

# Senate File 449 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1295)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to statutory corrections which may adjust  
2 language to reflect current practices, insert earlier  
3 omissions, delete redundancies and inaccuracies, delete  
4 temporary language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, or remove ambiguities, and  
6 including effective and applicability date provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 2130SV 83  
9 lh/rj/8

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1 1 DIVISION I  
1 2 MISCELLANEOUS PROVISIONS  
1 3 Section 1. Section 6B.14, subsection 1, Code 2009, is  
1 4 amended to read as follows:  
1 5 1. The commissioners shall, at the time fixed in the  
1 6 ~~aforsaid~~ notices required under section 6B.8, view the land  
1 7 sought to be condemned and assess the damages which the owner  
1 8 will sustain by reason of the appropriation. The commission  
1 9 shall file its written report, signed by all commissioners,  
1 10 with the sheriff. At the request of the condemner or the  
1 11 condemnee, the commission shall divide the damages into parts  
1 12 to indicate the value of any dwelling, the value of the land  
1 13 and improvements other than a dwelling, and the value of any  
1 14 additional damages. The appraisalment and return may be in  
1 15 parcels larger than forty acres belonging to one person and  
1 16 lying in one tract, unless the agent or attorney of the  
1 17 applicant, or the commissioners, have actual knowledge that  
1 18 the tract does not belong wholly to the person in whose name  
1 19 it appears of record; and in case of such knowledge, the  
1 20 appraisalment shall be made of the different portions as they  
1 21 are known to be owned.  
1 22 Sec. 2. Section 9D.1, Code 2009, is amended to read as  
1 23 follows:  
1 24 9D.1 DEFINITIONS.  
1 25 As used in this chapter, unless the context otherwise  
1 26 requires:  
1 27 1. "Applicant" means a person applying for registration  
1 28 under this chapter.  
1 29 2. "Customer" means a person who is offered or who  
1 30 purchases travel services.  
1 31 3. "Doing business" in this state means any of the  
1 32 following:  
1 33 a. Offering to sell or selling travel services, if the  
1 34 offer is made or received within the state.  
1 35 b. Offering to arrange or arranging travel services for a  
2 1 fee or commission, direct or indirect, if the offer is made or  
2 2 received in this state.  
2 3 c. Offering to award or awarding travel services as a  
2 4 prize or award, if the offer or award is made in or received  
2 5 in this state.  
2 6 3- 4. "Registrant" means a person registered pursuant to  
2 7 this chapter.  
2 8 4- 5. "Secretary" means the secretary of state.  
2 9 5- 6. "Solicitation" means contact by a travel agency or  
2 10 travel agent of a customer for the purpose of selling or  
2 11 offering to sell travel services.  
2 12 6- 7. "Travel agency" means a person who represents,

2 13 directly or indirectly, that the person is offering or  
2 14 undertaking by any means or method, to provide travel services  
2 15 for a fee, commission, or other valuable consideration, direct  
2 16 or indirect.

2 17 ~~7.~~ 8. "Travel agent" means a person employed by a travel  
2 18 agency whose principal duties include consulting with and  
2 19 advising persons concerning travel arrangements or  
2 20 accommodations.

2 21 ~~8.~~ 9. "Travel services" means arranging or booking  
2 22 vacation or travel packages, travel reservations or  
2 23 accommodations, tickets for domestic or foreign travel by air,  
2 24 rail, ship, bus, or other medium of transportation, or hotel  
2 25 or other lodging accommodations. Travel services include  
2 26 travel related prizes or awards for which the customer must  
2 27 pay a fee or, in connection with the prize or award, expend  
2 28 moneys for the direct or indirect monetary benefit of the  
2 29 person making the award, in order for the customer to collect  
2 30 or enjoy the benefits of the prize or award.

2 31 Sec. 3. Section 9D.2, subsections 4 through 9, Code 2009,  
2 32 are amended to read as follows:

~~2 33 4. "Doing business" in this state, for purposes of this  
2 34 chapter, means any of the following:~~

~~2 35 a. Offering to sell or selling travel services, if the  
3 1 offer is made or received within the state.~~

~~3 2 b. Offering to arrange, or arranging, travel services for  
3 3 a fee or commission, direct or indirect, if the offer is made  
3 4 or received in this state.~~

~~3 5 c. Offering to, or awarding travel services as a prize or  
3 6 award, if the offer or award is made in or received in this  
3 7 state.~~

3 8 ~~5.~~ 4. An applicant shall complete an application for  
3 9 registration form provided by the secretary. The application  
3 10 form must be accompanied by the required bond or evidence of  
3 11 financial responsibility and the registration fee. The  
3 12 application form shall include all of the following  
3 13 information:

3 14 a. The name and signature of an officer or partner of a  
3 15 business entity or the names and signatures of the principal  
3 16 owner and operator if the agency is a sole proprietorship.

3 17 b. The name, address, and telephone number of the  
3 18 applicant and the name of all travel agents employed by the  
3 19 applicant travel agency.

3 20 c. The name, address, and telephone number of any person  
3 21 who owns or controls, directly or indirectly, ten percent or  
3 22 more of the applicant.

3 23 d. If the applicant is a foreign corporation or business,  
3 24 the name and address of the corporation's agent in this state  
3 25 for service of process.

3 26 e. Any additional information required by rule adopted by  
3 27 the secretary pursuant to chapter 17A.

3 28 ~~6.~~ 5. The application form shall be accompanied by a  
3 29 written irrevocable consent to service of process. The  
3 30 consent must provide that actions in connection with doing  
3 31 business in this state may be commenced against the registrant  
3 32 in the proper jurisdiction in this state in which the cause of  
3 33 action may arise, or in which the plaintiff may reside, by  
3 34 service of process on the secretary as the registrant's agent  
3 35 and stipulating and agreeing that such service of process  
4 1 shall be taken and held in all courts to be as valid and  
4 2 binding as if service of process had been made upon the person  
4 3 according to the laws of this or any other state. The consent  
4 4 to service of process shall be in such form and supported by  
4 5 such additional information as the secretary may by rule  
4 6 require.

4 7 ~~7.~~ 6. An annual registration fee as established by the  
4 8 secretary by rule is required at the time the application for  
4 9 registration form is filed with the secretary, and on or  
4 10 before the anniversary date of the effective date of  
4 11 registration for each subsequent year. The registration fee  
4 12 shall be established at a rate deemed reasonably necessary by  
4 13 the secretary to support the administration of this chapter,  
4 14 but not to exceed fifteen dollars per year per agency. If an  
4 15 applicant or a registrant fails to pay the annual registration  
4 16 fee, the application for registration or registration lapses  
4 17 and becomes ineffective.

4 18 ~~8.~~ 7. A registrant shall submit to the secretary  
4 19 corrections to the information supplied in the registration  
4 20 form within a reasonable time after a change in circumstances,  
4 21 which circumstances would be required to be reported in an  
4 22 application for registration form, except travel agents' names  
4 23 as required in subsection 5 4, paragraph "b". The names of

4 24 travel agents shall be updated at the time of annual  
4 25 registration.

4 26 ~~9.~~ 8. The secretary may revoke or suspend a registration  
4 27 for cause subject to the contested case provisions of chapter  
4 28 17A.

4 29 Sec. 4. Section 10.1, subsections 9 and 17, Code 2009, are  
4 30 amended to read as follows:

4 31 9. "Farmers cooperative limited liability company" means a  
4 32 limited liability company organized under chapter 489 or 490A,  
4 33 if cooperative associations hold one hundred percent of all  
4 34 membership interests in the limited liability company.

4 35 Farmers cooperative associations must hold at least seventy  
5 1 percent of all membership interests in the limited liability  
5 2 company. If more than one type of membership interest is  
5 3 established, including any series as provided in section  
5 4 489.1201 or 490A.305 or any class or group as provided in  
5 5 section 489.1201 or 490A.307, farmers cooperative associations  
5 6 must hold at least seventy percent of all membership interests  
5 7 of ~~that~~ each type.

5 8 17. "Networking farmers limited liability company" means a  
5 9 limited liability company, other than a family farm limited  
5 10 liability company as defined in section 9H.1, organized under  
5 11 chapter 489 or 490A if all of the following conditions are  
5 12 satisfied:

5 13 a. Qualified farmers must hold at least fifty-one percent  
5 14 of all membership interests in the limited liability company.  
5 15 If more than one type of membership interest is established,  
5 16 including any series as provided in section 489.1201 or  
5 17 490A.305 or any class or group as provided in section 489.1201  
5 18 or 490A.307, qualified farmers must hold at least fifty-one  
5 19 percent of all membership interests of ~~that~~ each type.

5 20 b. Qualified persons must hold at least seventy percent of  
5 21 all membership interests in the limited liability company. If  
5 22 more than one type of membership interest is established,  
5 23 including any series as provided in section 489.1201 or  
5 24 490A.305 or any class or group as provided in section 489.1201  
5 25 or 490A.307, qualified persons must hold at least seventy  
5 26 percent of all membership interests of ~~that~~ each type.

5 27 Sec. 5. Section 15.103, subsection 1, paragraph b,  
5 28 unnumbered paragraph 1, Code 2009, is amended to read as  
5 29 follows:

5 30 Each of the following areas of expertise shall be  
5 31 represented by at least one voting member of the board who has  
5 32 professional experience in that area of expertise:

5 33 Sec. 6. Section 15.103, subsection 1, paragraph c, Code  
5 34 2009, is amended to read as follows:

5 35 c. At least nine of the voting members of the board shall  
6 1 be actively employed in the private, for-profit sector of the  
6 2 economy.

6 3 Sec. 7. Section 15.247, subsection 2, Code 2009, is  
6 4 amended to read as follows:

6 5 2. A "targeted small business financial assistance ~~program~~  
~~account~~ program" is established within the department. A  
~~targeted small business financial assistance program account~~  
~~is established within~~ the strategic investment fund created in  
6 9 section 15.313, to allow the department to provide for loans,  
6 10 loan guarantees, or grants to eligible targeted small  
6 11 businesses.

6 12 a. A targeted small business in any year shall receive  
6 13 under this program not more than fifty thousand dollars in a  
6 14 loan, grant, or guarantee, or a combination of loans, grants,  
6 15 or guarantees. A grant shall only be awarded when additional  
6 16 financing is secured by the applicant. In order to receive a  
6 17 grant, the applicant must demonstrate a minimum of ten percent  
6 18 cash investment in the project. A targeted small business  
6 19 shall not receive a grant, loan, or guarantee, or a  
6 20 combination of grants, loans, or guarantees under the program  
6 21 that provide more than ninety percent funding of a project.

6 22 b. The program shall provide guarantees not to exceed  
6 23 eighty percent for loans of up to seven years made by  
6 24 qualified lenders. The department shall establish a financial  
6 25 assistance reserve account from funds allocated to the program  
6 26 account, from which any default on a guaranteed loan under  
6 27 this section shall be paid. In administering the program the  
6 28 department shall not guarantee loan values in excess of the  
6 29 amount credited to the reserve account and only moneys set  
6 30 aside in the loan reserve account may be used for the payment  
6 31 of a default.

6 32 c. The department shall maintain records of all financial  
6 33 assistance approved pursuant to this section and information  
6 34 regarding the effectiveness of the financial assistance in

6 35 establishing or expanding small business ventures.

7 1 Sec. 8. Section 16.1, subsection 1, paragraph ac, Code  
7 2 2009, is amended to read as follows:

7 3 ac. "Powers" means all of the general and specific powers  
7 4 of the authority as provided in this chapter ~~and which~~ shall  
7 5 be broadly and liberally interpreted to authorize the  
7 6 authority to act in accordance with the goals of the authority  
7 7 and in a manner consistent with the legislative findings and  
7 8 guiding principles ~~which are reasonably necessary~~.

7 9 Sec. 9. Section 24.20, Code 2009, is amended to read as  
7 10 follows:

7 11 24.20 TAX RATES FINAL.

7 12 The several tax rates and levies of ~~the municipalities thus~~  
7 13 a municipality that are determined and certified in the manner  
7 14 provided in sections 24.1 through 24.19, except such tax rates  
7 15 and levies as are authorized by a vote of the people, shall

7 16 stand as the tax rates and levies of said municipality for the  
7 17 ensuing fiscal year for the purposes set out in the budget.

7 18 Sec. 10. Section 26.14, subsection 3, paragraph c, Code  
7 19 2009, is amended to read as follows:

7 20 c. If a public improvement may be performed by an employee  
7 21 of the governmental entity, the amount of estimated sales and  
7 22 fuel tax and the premium cost for the performance and payment  
7 23 bond which a contractor identifies in its quotation shall be  
7 24 deducted from the contractor's price for determining the  
7 25 lowest responsive, responsible quotation. If no quotations  
7 26 are received to perform the work, or if the governmental  
7 27 entity's estimated cost to do the work with its employee is  
7 28 less than the lowest responsive, responsible quotation  
7 29 received, the governmental entity may authorize its employee  
7 30 or employees to perform the work.

7 31 Sec. 11. Section 42.3, subsection 1, paragraph b, Code  
7 32 2009, is amended to read as follows:

7 33 b. ~~However~~ Notwithstanding the time period specified in  
7 34 paragraph "a", if the population data for legislative

7 35 districting which the United States census bureau is required  
8 1 to provide this state under Pub. L. No. 94=171 and, if used by  
8 2 the legislative services agency, the corresponding  
8 3 topologically integrated geographic encoding and referencing  
8 4 data file for that population data are not available to the  
8 5 legislative services agency on or before February 15 of the  
8 6 year ending in one, the dates set forth in ~~this subsection~~  
8 7 paragraph "a" shall be extended by a number of days equal to  
8 8 the number of days after February 15 of the year ending in one  
8 9 that the federal census population data and the topologically  
8 10 integrated geographic encoding and referencing data file for  
8 11 legislative districting become available.

8 12 Sec. 12. Section 42.3, subsection 2, Code 2009, is amended  
8 13 to read as follows:

8 14 2. If the bill embodying the plan submitted by the  
8 15 legislative services agency under subsection 1 fails to be  
8 16 enacted, the legislative services agency shall prepare a bill  
8 17 embodying a second plan of legislative and congressional  
8 18 districting. The bill shall be prepared in accordance with  
8 19 section 42.4, and, insofar as it is possible to do so within  
8 20 the requirements of section 42.4, with the reasons cited by  
8 21 the senate or house of representatives by resolution, or the  
8 22 governor by veto message, for the failure to approve the plan.  
8 23 If a second plan is required under this subsection, the bill  
8 24 embodying it shall be delivered to the secretary of the senate  
8 25 and the chief clerk of the house of representatives not later  
8 26 than thirty=five days after the date of the vote by which the  
8 27 senate or the house of representatives fails to approve the  
8 28 bill submitted under subsection 1, or the date the governor  
8 29 vetoes or fails to approve the bill. If it is necessary to  
8 30 submit a bill under this subsection, the bill shall be brought  
8 31 to a vote not less than seven days after the bill is submitted  
8 32 and made available to the members of the general assembly,  
8 33 under a procedure or rule permitting no amendments except  
8 34 those of a purely corrective nature. It is further the intent  
8 35 of this chapter that if the bill is approved by the first  
9 1 house in which it is considered, it shall expeditiously be  
9 2 brought to a vote in the second house under a similar  
9 3 procedure or rule. If the bill embodying the plan submitted  
9 4 by the legislative services agency under this subsection fails  
9 5 to be approved by a constitutional majority in either the  
9 6 senate or the house of representatives, the secretary of the  
9 7 senate or the chief clerk of the house, as the case may be,  
9 8 shall transmit to the legislative services agency in the same  
9 9 manner as described in subsection 1, information which the  
9 10 senate or house may direct by resolution regarding reasons why

9 11 the plan was not approved in the same manner as described in  
9 12 subsection 1.

9 13 Sec. 13. Section 46.2A, subsections 1 and 8, Code 2009,  
9 14 are amended to read as follows:

9 15 1. As used in this section, "congressional district" means  
9 16 those districts established following the 2010 federal  
9 17 decennial census and described in chapter ~~42 40~~.

9 18 8. If the number of congressional districts established  
9 19 following the 2010 federal decennial census and described in  
9 20 chapter ~~42 40~~ is not equal to four, then the procedures set  
9 21 out in this section are void and this section is repealed  
9 22 effective June 30, 2012.

9 23 Sec. 14. Section 49.36, Code 2009, is amended to read as  
9 24 follows:

9 25 49.36 CANDIDATES OF NONPARTY ORGANIZATION.

9 26 The term "group of petitioners" as used in the foregoing  
9 27 sections ~~49.32 and 49.35~~ shall embrace an organization which  
9 28 is not a political party as defined by law.

9 29 Sec. 15. Section 52.25, subsection 2, Code 2009, is  
9 30 amended to read as follows:

9 31 2. The question, amendment, or measure, ~~and or~~ summaries  
9 32 thereof, shall be printed on the ~~special paper~~ ballots ~~or on~~  
9 33 ~~the inserts used in the voting machines~~. In no case shall the  
9 34 font size be less than ten point type.

9 35 Sec. 16. Section 62.1A, Code 2009, is amended to read as  
10 1 follows:

10 2 62.1A CONTEST COURT ESTABLISHED.

10 3 The court for the trial of contested county elections shall  
10 4 consist of one ~~person member~~ named by the contestant and one  
10 5 ~~person member~~ named by the incumbent. If the incumbent fails  
10 6 to name a ~~judge member~~, the chief judge of the judicial  
10 7 district shall be notified of the failure to appoint. The  
10 8 chief judge shall designate the second ~~judge member~~ within one  
10 9 week after the chief judge is notified. These two ~~judges~~  
10 10 ~~members~~ shall meet within three days and select a third ~~person~~  
10 11 ~~member~~ to serve as the presiding ~~officer member~~ of the court.  
10 12 If they cannot agree on the third member of the court within  
10 13 three days after their initial meeting, the chief judge of the  
10 14 judicial district shall be notified of the failure to agree.  
10 15 The chief judge shall designate the presiding ~~judge member~~  
10 16 within one week after the chief judge is notified.

10 17 Sec. 17. Section 62.2, Code 2009, is amended to read as  
10 18 follows:

10 19 62.2 JUDGES CONTEST COURT MEMBERS SWORN.

10 20 ~~Judges Members of the contest court~~ shall be sworn in the  
10 21 same manner and form as trial jurors are sworn in trials of  
10 22 civil actions. When a ~~judge member~~ fails to appear on the day  
10 23 of trial, that ~~judge's member's~~ place may be filled by ~~another~~  
10 24 ~~the~~ appointment of ~~another member~~ under the same rule.

10 25 Sec. 18. Section 68B.22, subsection 4, paragraph e, Code  
10 26 2009, is amended to read as follows:

10 27 e. Anything available or distributed free of charge to  
10 28 members of the general public without regard to the official  
10 29 status of the recipient. This paragraph shall not apply to  
10 30 ~~receptions functions~~ described under paragraph "s".

10 31 Sec. 19. Section 73.16, subsection 2, paragraph b, Code  
10 32 2009, is amended to read as follows:

10 33 b. The director of an agency or department of state  
10 34 government that has established a procurement goal as required  
10 35 under this subsection shall provide a report within fifteen  
11 1 business days following the end of each calendar quarter to  
11 2 the targeted small business marketing and compliance manager  
11 3 of the department of economic development, providing the total  
11 4 dollar amount of certified purchases from certified targeted  
11 5 small businesses during the previous calendar quarter. The  
11 6 required report shall be made in a form approved by the  
11 7 targeted small business marketing and compliance manager. ~~The~~  
11 8 ~~first quarterly report shall be for the calendar quarter~~  
11 9 ~~ending September 30, 2007.~~

11 10 Sec. 20. Section 75.1, subsection 1, paragraph b, Code  
11 11 2009, is amended to read as follows:

11 12 b. ~~All ballots~~ Ballots cast ~~and but~~ not counted as a vote  
11 13 for or against the proposition shall not be used in computing  
11 14 the total vote cast for and against said proposition.

11 15 Sec. 21. Section 85.59, Code 2009, is amended to read as  
11 16 follows:

11 17 85.59 BENEFITS FOR INMATES AND OFFENDERS.

11 18 1. For the purposes of this section, ~~the term "inmate":~~

11 19 a. "Inmate" includes a:

11 20 (1) A person confined in a reformatory, state  
11 21 penitentiary, release center, or other state penal or

11 22 correctional institution while that person works in connection  
11 23 with the maintenance of the institution, in an industry  
11 24 maintained in the institution, or in an industry referred to  
11 25 in section 904.809, or while on detail to perform services on  
11 26 a public works project.

11 27 ~~(2) For purposes of this section, "inmate" includes a A~~  
11 28 person who is performing unpaid community service under the  
11 29 direction of the district court, board of parole, or judicial  
11 30 district department of correctional services, or an inmate  
11 31 providing services pursuant to a chapter 28E agreement entered  
11 32 into pursuant to section 904.703, or who is performing a work  
11 33 assignment of value to the state or to the public under  
11 34 chapter 232. ~~For purposes of this section, "unpaid~~

11 35 ~~b. "Unpaid community service under the direction of the~~  
12 1 district court" includes but is not limited to community  
12 2 service ordered and performed pursuant to section 598.23A.

12 3 2. For purposes of this section, an inmate on a work  
12 4 assignment under section 904.703 working in construction or  
12 5 maintenance at a public or charitable facility, or under  
12 6 assignment to another agency of state, county, or local  
12 7 government, shall be considered an employee of the state.

12 8 3. a. If an inmate is permanently incapacitated by injury  
12 9 in the performance of the inmate's work in connection with the  
12 10 maintenance of the institution, in an industry maintained in  
12 11 the institution, or in an industry referred to in section  
12 12 904.809, while on detail to perform services on a public works  
12 13 project, or while performing services authorized pursuant to  
12 14 section 904.809, or is permanently or temporarily  
12 15 incapacitated in connection with the performance of unpaid  
12 16 community service under the direction of the district court,  
12 17 board of parole, or judicial district department of  
12 18 correctional services, or in connection with the provision of  
12 19 services pursuant to a chapter 28E agreement entered into  
12 20 pursuant to section 904.703, or who is performing a work  
12 21 assignment of value to the state or to the public under  
12 22 chapter 232, that inmate shall be awarded only the benefits  
12 23 provided in section 85.27 and section 85.34, subsections 2 and  
12 24 3. The weekly rate for such permanent disability is equal to  
12 25 the minimum rate as provided in this chapter.

12 26 b. Weekly compensation benefits under this section may be  
12 27 determined prior to the inmate's release from the institution,  
12 28 but payment of benefits to an inmate shall commence as of the  
12 29 time of the inmate's release from the institution either upon  
12 30 parole or final discharge. However, if the inmate is awarded  
12 31 benefits for an injury incurred in connection with the  
12 32 performance of unpaid community service under the direction of  
12 33 the district court, board of parole, or judicial district  
12 34 department of correctional services, or in connection with the  
12 35 provision of services pursuant to a chapter 28E agreement  
13 1 entered into pursuant to section 904.703, or who is performing  
13 2 a work assignment of value to the state or to the public under  
13 3 chapter 232, weekly compensation benefits under this section  
13 4 shall be determined and paid as in other workers' compensation  
13 5 cases.

13 6 c. If an inmate is receiving benefits under the provisions  
13 7 of this section and is recommitted to an institution covered  
13 8 by this section, the benefits shall immediately cease. If  
13 9 benefits cease because of the inmate's recommitment, the  
13 10 benefits shall resume upon subsequent release from the  
13 11 institution.

13 12 d. If death results from the injury, death benefits shall  
13 13 be awarded and paid to the dependents of the inmate as in  
13 14 other workers' compensation cases except that the weekly rate  
13 15 shall be equal to sixty-six and two-thirds percent of the  
13 16 state average weekly wage paid employees as determined by the  
13 17 department of workforce development under section 96.19,  
13 18 subsection 36, and in effect at the time of the injury.

13 19 4. Payment under this section shall be made promptly out  
13 20 of appropriations which have been made for that purpose, if  
13 21 any. An amount or part thereof which cannot be paid promptly  
13 22 from the appropriation shall be paid promptly out of money in  
13 23 the state treasury not otherwise appropriated.

13 24 5. The time limit for commencing an original proceeding to  
13 25 determine entitlement to benefits under this section is the  
13 26 same as set forth in section 85.26. If an injury occurs to an  
13 27 inmate so as to qualify the inmate for benefits under this  
13 28 section, notwithstanding the fact that payments of weekly  
13 29 benefits are not commenced, an acknowledgment of  
13 30 compensability shall be filed with the workers' compensation  
13 31 commissioner within thirty days of the time the responsible  
13 32 authority receives notice or knowledge of the injury as

13 33 required by section 85.23.

13 34 6. If a dispute arises as to the extent of disability when  
13 35 an acknowledgment of compensability is on file or when an  
14 1 award determining liability has been made, an action to  
14 2 determine the extent of disability must be commenced within  
14 3 one year of the time of the release of the inmate from the  
14 4 institution. This does not bar the right to reopen the claim  
14 5 as provided by section 85.26, subsection 2.

14 6 7. Responsibility for the filings required by chapter 86  
14 7 for injuries resulting in permanent disability or death and as  
14 8 modified by this section shall be made in the same manner as  
14 9 for other employees of the institution.

14 10 Sec. 22. Section 85.66, Code 2009, is amended to read as  
14 11 follows:

14 12 85.66 SECOND INJURY FUND == CREATION == CUSTODIAN.

14 13 1. The "~~Second Injury Fund~~" second injury fund is hereby  
14 14 established under the custody of the treasurer of state and  
14 15 shall consist of payments to the fund as provided by this  
14 16 division and any accumulated interest and earnings on moneys  
14 17 in the second injury fund.

14 18 2. The treasurer of state is charged with the conservation  
14 19 of the assets of the second injury fund. Moneys collected in  
14 20 the second injury fund shall be disbursed only for the  
14 21 purposes stated in this division, and shall not at any time be  
14 22 appropriated or diverted to any other use or purpose. ~~The~~

~~14 23 treasurer of state shall invest any surplus moneys of the fund  
14 24 in securities which constitute legal investments for state  
14 25 funds under the laws of this state, and may sell any of the  
14 26 securities in which the fund is invested, if necessary, for  
14 27 the proper administration or in the best interests of the  
14 28 fund. Disbursements Except for reimbursements to the attorney  
14 29 general provided for in section 85.67, disbursements from the~~

~~14 30 fund shall be paid by the treasurer of state only upon the  
14 31 written order of the workers' compensation commissioner. The  
14 32 attorney general shall be reimbursed up to one hundred fifty  
14 33 thousand dollars annually from the fund for services provided  
14 34 related to the fund. The treasurer of state shall invest any  
14 35 surplus moneys of the fund in securities which constitute~~

~~15 1 legal investments for state funds under the laws of this  
15 2 state, and may sell any of the securities in which the fund is  
15 3 invested, if necessary, for the proper administration or in  
15 4 the best interests of the fund.~~

15 5 3. The treasurer of state shall quarterly prepare a  
15 6 statement of the fund, setting forth the balance of moneys in  
15 7 the fund, the income of the fund, specifying the source of all  
15 8 income, the payments out of the fund, specifying the various  
15 9 items of payments, and setting forth the balance of the fund  
15 10 remaining to its credit. The statement shall be open to  
15 11 public inspection in the office of the treasurer of state.

15 12 Sec. 23. Section 89.11, Code 2009, is amended to read as  
15 13 follows:

15 14 89.11 INJUNCTION.

15 15 1. In addition to all other remedies, if any owner, user,  
15 16 or person in charge of any equipment covered by this chapter  
15 17 continues to use any equipment covered by this chapter, after  
15 18 receiving an inspection report identifying defects and  
15 19 exhausting appeal rights as provided by this chapter without  
15 20 first correcting the defects or making replacements, the  
15 21 commissioner may apply to the district court by petition in  
15 22 equity, in an action brought in the name of the state, for a  
15 23 writ of injunction to restrain the use of the alleged  
15 24 defective equipment.

15 25 2. ~~However, if~~ If the commissioner believes that the  
15 26 continued operation of equipment constitutes an imminent  
15 27 danger that could seriously injure or cause death to any  
15 28 person, in addition to all other remedies, the commissioner  
15 29 may apply to the district court in the county in which the  
15 30 imminently dangerous condition exists for a temporary order to  
15 31 enjoin the owner, user, or person in charge from operating the  
15 32 equipment before exhausting the owner's, user's, or person's  
15 33 rights to administrative appeals have been exhausted.

15 34 Sec. 24. Section 96.19, subsection 17, Code 2009, is  
15 35 amended to read as follows:

16 1 17. "Employing unit" means any individual or type of  
16 2 organization, including this state and its political  
16 3 subdivisions, state agencies, boards, commissions, and  
16 4 instrumentalities thereof, any partnership, association,  
16 5 trust, estate, joint stock company, insurance company or  
16 6 corporation, whether domestic or foreign, or the receiver,  
16 7 trustee in bankruptcy, trustee or successor thereof, or the  
16 8 legal representative of a deceased person, which has or

16 9 subsequent to January 1, 1936, had in its employ one or more  
16 10 individuals performing services for it within this state. All  
16 11 individuals performing services within this state for any  
16 12 employing unit which maintains two or more separate  
16 13 establishments within this state shall be deemed to be  
16 14 employed by a single employing unit for all the purposes of  
16 15 this chapter. Whenever any employing unit contracts with or  
16 16 has under it any contractor or subcontractor for any work  
16 17 which is part of its usual trade, occupation, profession, or  
16 18 business, unless the employing unit as well as each such  
16 19 contractor or subcontractor is an employer by reason of  
16 20 subsection 16 or section 96.8, subsection 3, the employing  
16 21 unit shall for all the purposes of this chapter be deemed to  
16 22 employ each individual in the employ of each such contractor  
16 23 or subcontractor for each day during which such individual is  
16 24 engaged in performing such work; except that each such  
16 25 contractor or subcontractor who is an employer by reason of  
16 26 subsection 16 or section 96.8, subsection 3, shall alone be  
16 27 liable for the contributions measured by wages payable to  
16 28 individuals in the contractor's or subcontractor's employ, and  
16 29 except that any employing unit who shall become liable for and  
16 30 pay contributions with respect to individuals in the employ of  
16 31 any such contractor or subcontractor who is not an employer by  
16 32 reason of subsection 16 or section 96.8, subsection 3, may  
16 33 recover the same from such contractor or subcontractor, except  
16 34 as any contractor or subcontractor who would in the absence of  
16 35 ~~the foregoing provisions subsection 16 or section 96.8,~~

17 1 subsection 3, be liable to pay said contributions, accepts  
17 2 exclusive liability for said contributions under an agreement  
17 3 with such employer made pursuant to general rules of the  
17 4 department. Each individual employed to perform or to assist  
17 5 in performing the work of any agent or employee of an  
17 6 employing unit shall be deemed to be employed by such  
17 7 employing unit for all the purposes of this chapter, whether  
17 8 such individual was hired or paid directly by such employing  
17 9 unit or by such agent or employee, provided the employing unit  
17 10 had actual or constructive knowledge of such work, and  
17 11 provided, further, that such employment was for a total of not  
17 12 less than eight hours in any one calendar week.

17 13 Sec. 25. Section 100B.1, subsection 1, paragraph a,  
17 14 subparagraph (3), Code 2009, is amended to read as follows:

17 15 (3) The tenth and eleventh voting members of the council  
17 16 shall be members of the general public appointed by the  
17 17 governor.

17 18 Sec. 26. Section 100C.3, subsection 2, Code 2009, is  
17 19 amended to read as follows:

17 20 2. An applicant for certification as an alarm system  
17 21 contractor or an alarm system installer shall be subject to a  
17 22 national criminal history check through the federal bureau of  
17 23 investigation. The applicant shall provide fingerprints to  
17 24 the department of public safety for submission through the  
17 25 state criminal history repository to the federal bureau of  
17 26 investigation. Fees for the national criminal history check  
17 27 shall be paid by the applicant or the applicant's employer.  
17 28 The results of a criminal history check conducted pursuant to  
17 29 this subsection shall ~~not~~ be considered a public confidential  
17 30 record under chapter 22.

17 31 Sec. 27. Section 103.15, subsection 2, paragraph a, Code  
17 32 2009, is amended to read as follows:

17 33 a. A person shall be licensed as an unclassified person by  
17 34 the board to perform electrical work if the work is performed  
17 35 under the personal supervision of a person actually licensed  
18 1 to perform such work and the licensed and unclassified persons  
18 2 are employed by the same employer. A person shall not be  
18 3 employed continuously for more than one hundred days as an  
18 4 unclassified person without having obtained a current license  
18 5 from the board. For the purposes of determining whether a  
18 6 person has been "employed continuously" for more than one

~~18 7 hundred days under this subsection, "one hundred continuous~~  
~~18 8 days of employment" includes employment shall include~~ any days  
18 9 not worked due to illness, holidays, weekend days, and other  
18 10 absences that do not constitute separation from or termination  
18 11 of employment. Any period of employment as a nonlicensed  
18 12 unclassified person shall not be credited to any applicable  
18 13 experiential requirement of an apprenticeship training program  
18 14 registered by the bureau of apprenticeship and training of the  
18 15 United States department of labor.

18 16 Sec. 28. Section 103.30, Code 2009, is amended to read as  
18 17 follows:

18 18 103.30 INSPECTIONS NOT REQUIRED.

18 19 Nothing in this chapter shall be construed to require the

18 20 work of employees of municipal utilities, railroads, electric  
18 21 membership or cooperative associations, investor-owned  
18 22 utilities, rural water associations or districts, or  
18 23 telecommunications systems to be inspected while the employees  
18 24 are acting within the scope of their employment.

18 25 Sec. 29. Section 125.86, subsection 3, paragraph a, Code  
18 26 2009, is amended to read as follows:

18 27 a. A psychiatric advanced registered nurse practitioner  
18 28 treating a patient respondent previously ~~hospitalized~~  
18 29 ~~committed~~ under this chapter may complete periodic reports  
18 30 pursuant to this section on the patient respondent if the  
18 31 patient respondent has been recommended for treatment on an  
18 32 outpatient or other appropriate basis pursuant to section  
18 33 125.84, subsection 3, and if a psychiatrist licensed pursuant  
18 34 to chapter 148, ~~150, or 150A~~ personally evaluates the patient  
18 35 respondent on at least an annual basis.

19 1 Sec. 30. Section 135.1, subsection 4, Code 2009, is  
19 2 amended to read as follows:

19 3 4. "Physician" means a person licensed to practice  
19 4 medicine and surgery, osteopathic medicine and surgery,  
19 5 chiropractic, podiatry, or optometry under the laws of this  
19 6 state; but a person licensed as a physician and surgeon shall  
19 7 be designated as a "physician" or "surgeon", a person licensed  
19 8 as an osteopathic physician and surgeon shall be designated as  
19 9 an "osteopathic physician" or "osteopathic surgeon", ~~a person~~  
19 10 ~~licensed as an osteopath shall be designated as an~~  
19 11 ~~"osteopathic physician"~~, a person licensed as a chiropractor  
19 12 shall be designated as a "chiropractor", a person licensed as  
19 13 a podiatrist shall be designated as a "podiatric physician",  
19 14 and a person licensed as an optometrist shall be designated as  
19 15 an "optometrist". A definition or designation contained in  
19 16 this subsection shall not be interpreted to expand the scope  
19 17 of practice of such licensees.

19 18 Sec. 31. Section 135.17, subsection 1, paragraph a, Code  
19 19 2009, is amended to read as follows:

19 20 a. Except as provided in paragraphs "c" and "d", the  
19 21 parent or guardian of a child enrolled in elementary school  
19 22 shall provide evidence to the school district or accredited  
19 23 nonpublic elementary school in which the child is enrolled of  
19 24 the child having, no earlier than three years of age but prior  
19 25 to reaching six years of age, at a minimum, a dental screening  
19 26 performed by a licensed physician as defined in chapter 148 ~~or~~  
19 27 ~~150~~, a nurse licensed under chapter 152, a licensed physician  
19 28 assistant as defined in section 148C.1, or a licensed dental  
19 29 hygienist or dentist as defined in chapter 153. Except as  
19 30 provided in paragraphs "c" and "d", the parent or guardian of  
19 31 a child enrolled in high school shall provide evidence to the  
19 32 school district or accredited nonpublic high school in which  
19 33 the child is enrolled of the child having, at a minimum, a  
19 34 dental screening performed within the prior year by a licensed  
19 35 dental hygienist or dentist as defined in chapter 153. A  
20 1 school district or accredited nonpublic school shall provide  
20 2 access to a process to complete the screenings described in  
20 3 this paragraph as appropriate.

20 4 Sec. 32. Section 135.24, subsection 6, paragraph d, Code  
20 5 2009, is amended to read as follows:

20 6 d. "Health care provider" means a physician licensed under  
20 7 chapter 148, a chiropractor licensed under chapter 151, a  
20 8 physical therapist licensed pursuant to chapter 148A, an  
20 9 occupational therapist licensed pursuant to chapter 148B, a  
20 10 podiatrist licensed pursuant to chapter 149, a physician  
20 11 assistant licensed and practicing under a supervising  
20 12 physician pursuant to chapter 148C, a licensed practical  
20 13 nurse, a registered nurse, or an advanced registered nurse  
20 14 practitioner licensed pursuant to chapter 152 or 152E, a  
20 15 respiratory therapist licensed pursuant to chapter 152B, a  
20 16 dentist, dental hygienist, or dental assistant registered or  
20 17 licensed to practice under chapter 153, an optometrist  
20 18 licensed pursuant to chapter 154, a psychologist licensed  
20 19 pursuant to chapter 154B, a social worker licensed pursuant to  
20 20 chapter 154C, a mental health counselor or a marital and  
20 21 family therapist licensed pursuant to chapter 154D, a speech  
20 22 pathologist or audiologist licensed pursuant to chapter 154F,  
20 23 a pharmacist licensed pursuant to chapter 155A, or an  
20 24 emergency medical care provider certified pursuant to chapter  
20 25 147A.

20 26 Sec. 33. Section 135.37, subsection 6, Code 2009, is  
20 27 amended to read as follows:

20 28 6. As necessary to avoid duplication and promote  
20 29 coordination of public health inspection and enforcement  
20 30 activities, the department may enter into agreements with

20 31 local boards of health to provide for inspection ~~and~~  
20 32 ~~enforcement~~ of tattooing establishments and enforcement  
20 33 activities in accordance with the rules and criteria  
20 34 implemented under this section.

20 35 Sec. 34. Section 135.159, subsection 2, paragraph a,  
21 1 subparagraph (6), Code 2009, is amended to read as follows:

21 2 (6) A physician and an osteopathic physician licensed  
21 3 pursuant to chapter 148 ~~and a physician licensed pursuant to~~  
21 4 ~~chapter 150~~ who are family physicians and members of the Iowa  
21 5 academy of family physicians.

21 6 Sec. 35. Section 135B.20, subsection 1, Code 2009, is  
21 7 amended to read as follows:

21 8 1. "Doctor" shall mean any person licensed to practice  
21 9 medicine and surgery or ~~osteopathy~~ osteopathic medicine and  
21 10 surgery in this state.

21 11 Sec. 36. Section 135C.33, subsection 5, paragraph a,  
21 12 subparagraph (1), Code 2009, is amended to read as follows:

21 13 (1) An employee of a ~~homemaker, home-health~~ homemaker=home  
21 14 health aide, home care aide, adult day services, or other  
21 15 provider of in-home services if the employee provides direct  
21 16 services to consumers.

21 17 Sec. 37. Section 136C.1, subsection 4, Code 2009, is  
21 18 amended to read as follows:

21 19 4. "Licensed professional" means a person licensed or  
21 20 otherwise authorized by law to practice medicine, ~~osteopathy~~  
21 21 osteopathic medicine, podiatry, chiropractic, dentistry,  
21 22 dental hygiene, or veterinary medicine.

21 23 Sec. 38. Section 136C.3, subsection 2, paragraph a, Code  
21 24 2009, is amended to read as follows:

21 25 a. Establish minimum training standards including  
21 26 continuing education requirements, and administer examinations  
21 27 and disciplinary procedures for operators of radiation  
21 28 machines and users of radioactive materials. A state of Iowa  
21 29 license to practice medicine, ~~osteopathy~~ osteopathic medicine,  
21 30 chiropractic, podiatry, dentistry, dental hygiene, or  
21 31 veterinary medicine, or licensure as a physician assistant  
21 32 pursuant to chapter 148C, or certification by the dental board  
21 33 in dental radiography, or by the board of podiatry in  
21 34 podiatric radiography, or enrollment in a program or course of  
21 35 study approved by the Iowa department of public health which  
22 1 includes the application of radiation to humans satisfies the  
22 2 minimum training standards for operation of radiation machines  
22 3 only.

22 4 Sec. 39. Section 137F.3A, subsection 1, Code 2009, is  
22 5 amended to read as follows:

22 6 1. ~~a. If a~~ The department of inspections and appeals may  
22 7 employ additional full-time equivalent positions to enforce  
22 8 the provisions of this chapter and chapters 137C and 137D,  
22 9 with the approval of the department of management, if either  
22 10 of the following apply:

22 11 (1) A municipal corporation operating pursuant to a  
22 12 chapter 28E agreement with the department of inspections and  
22 13 appeals to enforce this chapter and chapters 137C and 137D the  
22 14 chapters either fails to renew the agreement effective after  
22 15 April 1, 2007, or discontinues, after April 1, 2007,  
22 16 enforcement activities in one or more jurisdictions during the  
22 17 agreement time frame, ~~or the,~~

22 18 (2) The department of inspections and appeals cancels an  
22 19 agreement after April 1, 2007, due to noncompliance with the  
22 20 terms of the agreement, the department of inspections and  
22 21 appeals may employ additional full-time equivalent positions  
22 22 to enforce the provisions of the chapters, with the approval  
22 23 of the department of management.

22 24 b. Before approval is may be given, the director of the  
22 25 department of management shall determine must have determined  
22 26 that the expenses exceed the funds budgeted by the general  
22 27 assembly for food inspections to the department of inspections  
22 28 and appeals. The department of inspections and appeals may  
22 29 hire no more than one full-time equivalent position for each  
22 30 six hundred inspections required pursuant to this chapter and  
22 31 chapters 137C and 137D.

22 32 Sec. 40. Section 137F.6, subsection 1, paragraph h, Code  
22 33 2009, is amended to read as follows:

22 34 h. ~~A~~ For a food establishment covered by paragraphs "d"  
22 35 and "e" ~~shall be assessed the~~ license fees assessed shall be  
23 1 an amount not to exceed seven=five percent of the total fees  
23 2 applicable under both paragraphs.

23 3 Sec. 41. Section 142.1, Code 2009, is amended to read as  
23 4 follows:

23 5 142.1 DELIVERY OF BODIES.

23 6 The body of every person dying in a public asylum,

23 7 hospital, county care facility, penitentiary, or reformatory  
23 8 in this state, or found dead within the state, or which is to  
23 9 be buried at public expense in this state, except those buried  
23 10 under the provisions of chapter 144C or 249, and which is  
23 11 suitable for scientific purposes, shall be delivered to the  
23 12 medical college of the state university, or some osteopathic  
23 13 or chiropractic college or school located in this state, which  
23 14 has been approved under the law regulating the practice of  
23 15 ~~osteopathy~~ osteopathic medicine or chiropractic; but no such  
23 16 body shall be delivered to any such college or school if the  
23 17 deceased person expressed a desire during the person's last  
23 18 illness that the person's body should be buried or cremated,  
23 19 nor if such is the desire of the person's relatives. Such  
23 20 bodies shall be equitably distributed among said colleges and  
23 21 schools according to their needs for teaching anatomy in  
23 22 accordance with such rules as may be adopted by the Iowa  
23 23 department of public health. The expense of transporting said  
23 24 bodies to such college or school shall be paid by the college  
23 25 or school receiving the same. If the deceased person has not  
23 26 expressed a desire during the person's last illness that the  
23 27 person's body should be buried or cremated and no person  
23 28 authorized to control the deceased person's remains under  
23 29 section 144C.5 requests the person's body for burial or  
23 30 cremation, and if a friend objects to the use of the deceased  
23 31 person's body for scientific purposes, said deceased person's  
23 32 body shall be forthwith delivered to such friend for burial or  
23 33 cremation at no expense to the state or county. Unless such  
23 34 friend provides for burial and burial expenses within five  
23 35 days, the body shall be used for scientific purposes under

24 1 this chapter.  
24 2 Sec. 42. Section 142A.3, subsections 3 through 10, Code  
24 3 2009, are amended to read as follows:

24 4 3. The membership of the commission shall ~~consist of~~  
24 5 include the following voting members who shall serve  
24 6 three-year, staggered terms:

24 7 a. Members, at least one of whom is a member of a racial  
24 8 minority, to be appointed by the governor, subject to  
24 9 confirmation by the senate pursuant to sections 2.32 and  
24 10 69.19, and consisting of the following:

24 11 (1) Three members who are active with nonprofit health  
24 12 organizations that emphasize tobacco use prevention or who are  
24 13 active as health services providers, at the local level.

24 14 ~~b.~~ (2) One member who is a retailer.

24 15 ~~c.~~ (3) Three members who are active with health promotion  
24 16 activities at the local level in youth education, law  
24 17 enforcement, nonprofit services, or other activities relating  
24 18 to tobacco use prevention and control.

24 19 ~~The members appointed under this subsection shall be~~  
24 20 ~~appointed by the governor, subject to confirmation by the~~  
24 21 ~~senate, pursuant to sections 2.32 and 69.19. At least one~~  
24 22 ~~member appointed under this subsection shall be a member of a~~  
24 23 ~~racial minority.~~

24 24 4. ~~b.~~ In addition to the members described in subsection  
24 25 3, the membership of the commission shall include ~~three~~ Three  
24 26 voting members who are, to be selected by the participants in  
24 27 the annual statewide youth summit of the initiative's youth  
24 28 program. The youth membership appointments are, who shall not  
24 29 be subject to section 69.16 or 69.16A. However, the selection  
24 30 process shall provide for diversity among the members and at  
24 31 least one of the youth members shall be a female. These  
24 32 members shall also serve three-year staggered terms.

24 33 5. ~~4.~~ The commission shall also include the following ex  
24 34 officio, nonvoting members:

24 35 a. Four members of the general assembly, with not more  
25 1 than one member from each chamber being from the same  
25 2 political party. The majority leader of the senate and the  
25 3 minority leader of the senate shall each appoint one of the  
25 4 senate members. The majority leader of the house and the  
25 5 minority leader of the house of representatives shall each  
25 6 appoint one of the house members.

25 7 b. The presiding officer of the statewide youth executive  
25 8 body, selected by the delegates to the statewide youth summit.

25 9 6. ~~5.~~ In addition to the members of the ~~council~~  
25 10 commission, the following agencies, organizations, and persons  
25 11 shall each assign a single liaison to the commission to  
25 12 provide assistance to the commission in the discharge of the  
25 13 commission's duties:

25 14 a. The department of education.

25 15 b. The drug policy coordinator.

25 16 c. The department of justice, office of the attorney  
25 17 general.

25 18 d. The department of human services.  
25 19 e. The alcoholic beverages division of the department of  
25 20 commerce.  
25 21 ~~7-~~ 6. Citizen members shall be reimbursed for actual and  
25 22 necessary expenses incurred in performance of their duties.  
25 23 Citizen members shall be paid a per diem as specified in  
25 24 section 7E.6. Legislative members are eligible for per diem  
25 25 and expenses as provided in section 2.10.  
25 26 ~~8-~~ 7. A member of the commission who is convicted of a  
25 27 crime relating to tobacco, alcohol, or controlled substances  
25 28 is subject to removal from the commission.  
25 29 ~~9. The commission may designate an advisory council. The~~  
25 30 ~~commission shall determine the membership and representation~~  
25 31 ~~of the advisory council and members of the council shall serve~~  
25 32 ~~at the pleasure of the commission. The advisory council may~~  
25 33 ~~include representatives of health care provider groups, parent~~  
25 34 ~~groups, antitobacco advocacy programs and organizations,~~  
25 35 ~~tobacco retailers, research and evaluation experts, and youth~~  
26 1 ~~organizers.~~  
26 2 ~~10-~~ 8. A vacancy on the commission other than for the  
26 3 youth members shall be filled in the same manner as the  
26 4 original appointment for the balance of the unexpired term. A  
26 5 youth member vacancy shall be filled by the presiding officer  
26 6 of the statewide executive body as selected by the delegates  
26 7 to the statewide youth summit.  
26 8 9. The commission shall elect a chairperson from among its  
26 9 voting members and may select other officers from among its  
26 10 voting members, as determined necessary by the commission.  
26 11 The commission shall meet regularly as determined by the  
26 12 commission, upon the call of the chairperson, or upon the call  
26 13 of a majority of the voting members.  
26 14 ~~10. The commission may designate an advisory council. The~~  
26 15 ~~commission shall determine the membership and representation~~  
26 16 ~~of the advisory council and members of the council shall serve~~  
26 17 ~~at the pleasure of the commission. The advisory council may~~  
26 18 ~~include representatives of health care provider groups, parent~~  
26 19 ~~groups, antitobacco advocacy programs and organizations,~~  
26 20 ~~tobacco retailers, research and evaluation experts, and youth~~  
26 21 ~~organizers.~~  
26 22 Sec. 43. Section 142C.2, subsection 25, Code 2009, is  
26 23 amended to read as follows:  
26 24 25. "Physician" means an individual authorized to practice  
26 25 medicine and surgery or ~~osteopathy~~ osteopathic medicine and  
26 26 surgery under the laws of any state.  
26 27 Sec. 44. Section 144.14, Code 2009, is amended to read as  
26 28 follows:  
26 29 144.14 FOUNDLINGS.  
26 30 1. A person who assumes the custody of a living infant of  
26 31 unknown parentage shall report on a form and in the manner  
26 32 prescribed by the state registrar within five days to the  
26 33 county registrar of the county in which the child was found,  
26 34 the following information:  
26 35 ~~1-~~ a. The date and place ~~of finding the child was found.~~  
27 1 ~~2-~~ b. The sex, color or race, and approximate age of the  
27 2 child.  
27 3 ~~3-~~ c. The name and address of the person or institution  
27 4 which has assumed custody of the child.  
27 5 ~~4-~~ d. The name given to the child by the custodian.  
27 6 ~~5-~~ e. Other data required by the state registrar.  
27 7 2. The place where the child was found shall be entered as  
27 8 the place of birth and the date of birth shall be determined  
27 9 by approximation. A report registered under this section  
27 10 shall constitute the certificate of birth for the infant.  
27 11 3. If the child is identified and a certificate of birth  
27 12 is found or obtained, any report registered under this section  
27 13 shall be sealed and filed and may be opened only by order of a  
27 14 court of competent jurisdiction or as provided by regulation.  
27 15 Sec. 45. Section 144C.2, subsection 3, Code 2009, is  
27 16 amended to read as follows:  
27 17 3. "Assisted living ~~program facility~~ program" means an  
27 18 assisted living program ~~facility as defined in section 231C.2~~  
27 19 under chapter 231C.  
27 20 Sec. 46. Section 144C.3, subsection 4, Code 2009, is  
27 21 amended to read as follows:  
27 22 4. A funeral director, an attorney, or any agent, owner,  
27 23 or employee of a funeral establishment, cremation  
27 24 establishment, cemetery, elder group home, assisted living  
27 25 program ~~facility~~, adult day services program, or licensed  
27 26 hospice program shall not serve as a designee unless related  
27 27 to the declarant within the third degree of consanguinity.  
27 28 Sec. 47. Section 147.14, subsection 1, paragraph w, Code

27 29 2009, is amended to read as follows:

27 30 w. For nursing home administrators, a total of nine  
27 31 members, four who are licensed nursing home administrators,  
27 32 one of whom is the administrator of a nonproprietary nursing  
27 33 home; three licensed members of any profession concerned with  
27 34 the care and treatment of chronically ill or elderly patients  
27 35 who are not nursing home administrators or nursing home  
28 1 owners; and two members of the general public who are not  
28 2 licensed under ~~this~~ chapter 155, have no financial interest in  
28 3 any nursing home, and who shall represent the general public.

28 4 Sec. 48. Section 147.55, unnumbered paragraph 1, Code  
28 5 2009, is amended to read as follows:

28 6 A licensee's license to practice a profession shall be  
28 7 ~~revoked, or suspended, or the licensee~~ otherwise disciplined  
28 8 by the board for that profession, when the licensee is guilty  
28 9 of any of the following acts or offenses:

28 10 Sec. 49. Section 147.80, subsection 1, paragraphs f, g,  
28 11 and i, Code 2009, are amended to read as follows:

28 12 f. Issuance of a certified statement that a ~~licensee~~  
28 13 person is licensed, registered, or has been issued a  
28 14 certificate to practice in this state.

28 15 g. Issuance of a duplicate license, registration, or  
28 16 certificate, which shall be so designated on its face. A  
28 17 board may require satisfactory proof that the original  
28 18 license, registration, or certificate issued by the board has  
28 19 been lost or destroyed.

28 20 i. Verification of licensure, registration, or  
28 21 certification.

28 22 Sec. 50. Section 147.85, Code 2009, is amended to read as  
28 23 follows:

28 24 147.85 FRAUD.

28 25 Any person who presents to a board a diploma or certificate  
28 26 of which the person is not the rightful owner, for the purpose  
28 27 of procuring a license, or who falsely ~~personates~~ impersonates  
28 28 anyone to whom a license has been issued by the board shall be  
28 29 guilty of a serious misdemeanor.

28 30 Sec. 51. Section 147.135, subsection 3, paragraph a, Code  
28 31 2009, is amended to read as follows:

28 32 a. A full and confidential report concerning any final  
28 33 hospital disciplinary action approved by a hospital board of  
28 34 trustees that results in a limitation, suspension, or  
28 35 revocation of a physician's privilege to practice for reasons  
29 1 relating to the physician's professional competence or  
29 2 concerning any voluntary surrender or limitation of privileges  
29 3 for reasons relating to professional competence shall be made  
29 4 to the board of medicine by the hospital administrator or  
29 5 chief of medical staff within ten days of such action. The  
29 6 board of medicine shall investigate the report and take  
29 7 appropriate action. These reports shall be privileged and  
29 8 confidential as though included in and subject to the  
29 9 requirements for peer review committee information in  
29 10 subsection 2. Persons making these reports and persons  
29 11 participating in resulting proceedings related to these  
29 12 reports shall be immune from civil liability with respect to  
29 13 the making of the report or participation in resulting  
29 14 proceedings. As used in this subsection, "physician" means a  
29 15 person licensed pursuant to chapter 148, ~~chapter 150, or~~  
29 16 ~~chapter 150A~~.

29 17 Sec. 52. Section 148.2A, subsection 2, paragraph e,  
29 18 subparagraph (4), Code 2009, is amended to read as follows:

29 19 (4) The majority of a hearing panel containing alternate  
29 20 members shall be ~~members~~ licensed to practice under this  
29 21 chapter.

29 22 Sec. 53. Section 148.3, subsection 2, Code 2009, is  
29 23 amended to read as follows:

29 24 2. An application for a license shall be made to the board  
29 25 of medicine. All license and renewal fees shall be paid to  
29 26 ~~and collected by the board and transmitted to the board.~~

29 27 Sec. 54. Section 148.6, subsection 2, paragraph h, Code  
29 28 2009, is amended to read as follows:

29 29 h. ~~(1)~~ Inability to practice medicine and surgery or  
29 30 osteopathic medicine and surgery with reasonable skill and  
29 31 safety by reason of illness, drunkenness, excessive use of  
29 32 drugs, narcotics, chemicals, or other type of material or as a  
29 33 result of a mental or physical condition.

29 34 (1) The board may, upon probable cause, compel a physician  
29 35 to submit to a mental or physical examination by designated  
30 1 physicians or to submit to alcohol or drug screening within a  
30 2 time specified by the board.

30 3 (2) A person licensed to practice medicine and surgery or  
30 4 osteopathic medicine and surgery who makes application for the

30 5 renewal of a license, as required by section 147.10, gives  
30 6 consent to submit to a mental or physical examination as  
30 7 provided by this paragraph "h" when directed in writing by the  
30 8 board. All objections shall be waived as to the admissibility  
30 9 of ~~the an~~ examining physicians' testimony or examination  
30 10 reports on the grounds that they constitute privileged  
30 11 communication. The medical testimony or examination reports  
30 12 shall not be used against a physician in another proceeding  
30 13 and shall be confidential, except for other actions filed  
30 14 against a physician to revoke or suspend a license.

30 15 Sec. 55. Section 148.14, Code 2009, is amended to read as  
30 16 follows:

30 17 148.14 BOARD OF MEDICINE INVESTIGATORS.

30 18 The board of medicine may appoint investigators, who shall  
30 19 not be members of the board, and whose compensation shall be  
30 20 determined pursuant to chapter 8A, subchapter IV.

30 21 Investigators appointed by the board have the powers and  
30 22 status of peace officers when enforcing this chapter, ~~chapter~~  
30 23 ~~147,~~ and chapter 272C.

30 24 Sec. 56. Section 148A.7, Code 2009, is amended to read as  
30 25 follows:

30 26 148A.7 FALSE USE OF TITLES PROHIBITED.

30 27 1. A person or business entity, including the employees,  
30 28 agents, or representatives of the business entity, shall not  
30 29 use in connection with that person's or business entity's  
30 30 business activity the words "physical therapy", "physical  
30 31 therapist", "licensed physical therapist", "registered  
30 32 physical therapist", "doctor of physical therapy", "physical  
30 33 therapist assistant", "licensed physical therapist assistant",  
30 34 "registered physical therapist assistant", or the letters  
30 35 "P.T.", "L.P.T.", "R.P.T.", "D.P.T.", "P.T.A.", "L.P.T.A.",  
31 1 "R.P.T.A.", or any other words, abbreviations, or insignia  
31 2 indicating or implying that physical therapy is provided or  
31 3 supplied, unless such services are provided by or under the  
31 4 direction and supervision of a physical therapist licensed  
31 5 pursuant to this chapter.

31 6 2. Notwithstanding section 147.74, a person or the owner,  
31 7 officer, or agent of an entity that violates this section is  
31 8 guilty of a serious misdemeanor, and a license to practice  
31 9 shall be revoked or suspended pursuant to section 147.55.

31 10 3. This section shall not apply to the use of the term  
31 11 "physiotherapy" by a provider licensed under this chapter,  
31 12 chapter 151, or by an individual under the direction and  
31 13 supervision of a provider licensed under this chapter or  
31 14 chapter 151.

31 15 Sec. 57. Section 153.14, subsection 2, Code 2009, is  
31 16 amended to read as follows:

31 17 2. Licensed "physicians and surgeons" or licensed  
31 18 ~~osteopaths~~ osteopathic physicians and surgeons" who extract  
31 19 teeth or treat diseases of the oral cavity, gums, teeth, or  
31 20 maxillary bones as an incident to the general practice of  
31 21 their profession.

31 22 Sec. 58. Section 154A.6, Code 2009, is amended to read as  
31 23 follows:

31 24 154A.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.

31 25 1. A member of the board shall not disclose information  
31 26 relating to the following:

31 27 ~~1- a.~~ a. Criminal history or prior misconduct of the  
31 28 applicant.

31 29 ~~2- b.~~ b. Information relating to the contents of the  
31 30 examination.

31 31 ~~3- c.~~ c. Information relating to the examination results  
31 32 other than final score except for information about the  
31 33 results of an examination which is given to the person who  
31 34 took the examination.

31 35 2. A member of the board who willfully communicates or  
32 1 seeks to communicate ~~such~~ information in violation of  
32 2 subsection 1, and any person who willfully requests, obtains,  
32 3 or seeks to obtain such information, is guilty of a simple  
32 4 misdemeanor.

32 5 Sec. 59. Section 154B.5, Code 2009, is amended to read as  
32 6 follows:

32 7 154B.5 SCOPE OF CHAPTER.

32 8 Nothing in this chapter shall be construed to prevent  
32 9 qualified members of other professional groups such as  
32 10 physicians, ~~osteopaths~~ osteopathic physicians, optometrists,  
32 11 chiropractors, members of the clergy, authorized Christian  
32 12 Science practitioners, attorneys at law, social workers or  
32 13 guidance counselors from performing functions of a  
32 14 psychological nature consistent with the accepted standards of  
32 15 their respective professions, if they do not use any title or

32 16 description stating or implying that they are psychologists or  
32 17 are certified to practice psychology.

32 18 Sec. 60. Section 154C.3, subsection 1, paragraph c,  
32 19 subparagraph (5), Code 2009, is amended to read as follows:

32 20 (5) (a) Supervision shall be provided in any of the  
32 21 following manners:

32 22 ~~(a)~~ (i) By a social worker licensed at least at the level  
32 23 of the social worker being supervised and qualified under this  
32 24 section to practice without supervision.

32 25 ~~(b)~~ (ii) By another qualified professional, if the board  
32 26 determines that supervision by a social worker as defined in  
32 27 subparagraph subdivision ~~(a)~~ (i) is unobtainable or in other  
32 28 situations considered appropriate by the board.

32 29 (b) Additional standards for supervision shall be  
32 30 determined by the board.

32 31 Sec. 61. Section 154F.2, subsection 1, paragraph a, Code  
32 32 2009, is amended to read as follows:

32 33 a. Licensed physicians and surgeons, licensed osteopathic  
32 34 physicians and surgeons, licensed physician assistants and  
32 35 registered nurses acting under the supervision of a physician  
33 1 or osteopathic physician, persons conducting hearing tests  
33 2 under the direct supervision of a licensed physician and  
33 3 surgeon, or licensed osteopathic physician and surgeon, or  
33 4 students of medicine or surgery or osteopathic medicine and  
33 5 surgery pursuing a course of study in a medical school or  
33 6 college of osteopathic medicine and surgery approved by the  
33 7 board of medicine while performing functions incidental to  
33 8 their course of study.

33 9 Sec. 62. Section 155.2, subsection 1, paragraph c, Code  
33 10 2009, is amended to read as follows:

33 11 c. Two members who are not licensed nursing home  
33 12 administrators or are not licensed persons under this chapter  
33 13 and chapter 147 and who shall represent the general public.

33 14 The members shall be interested in the problems of elderly  
33 15 patients and nursing home care, but shall have no financial  
33 16 interest in any nursing home.

33 17 Sec. 63. Section 155.17, Code 2009, is amended to read as  
33 18 follows:

33 19 155.17 DISCLOSURE OF CONFIDENTIAL INFORMATION.

33 20 1. A member of the board shall not disclose information  
33 21 relating to the following:

33 22 ~~1-~~ a. Criminal history or prior misconduct of the  
33 23 applicant.

33 24 ~~2-~~ b. Information relating to the contents of the  
33 25 examination.

33 26 ~~3-~~ c. Information relating to the examination results  
33 27 other than final score except for information about the  
33 28 results of an examination which is given to the person who  
33 29 took the examination.

33 30 2. A member of the board who willfully communicates or  
33 31 seeks to communicate ~~such~~ information in violation of  
33 32 subsection 1, and any person who willfully requests, obtains  
33 33 or seeks to obtain such information, is guilty of a simple  
33 34 misdemeanor.

33 35 Sec. 64. Section 155A.15, subsection 2, paragraph d, Code  
34 1 2009, is amended to read as follows:

34 2 d. Delivered without legal authorization prescription  
34 3 drugs or devices to a person other than one of the following:

34 4 (1) A pharmacy licensed by the board.

34 5 (2) A practitioner.

34 6 (3) A person who procures prescription drugs or devices  
34 7 for the purpose of lawful research, teaching, or testing, and  
34 8 not for resale.

34 9 (4) A manufacturer or wholesaler licensed by the board.

34 10 ~~(5) However, this chapter does not prohibit a pharmacy~~  
34 11 ~~from furnishing a prescription drug or device to a~~ A licensed  
34 12 health care facility which is furnished the drug or device by  
34 13 a pharmacy for storage in secured emergency pharmaceutical

34 14 supplies containers maintained within the facility in  
34 15 accordance with rules of the department of inspections and  
34 16 appeals and rules of the board.

34 17 Sec. 65. Section 158.1, subsection 1, Code 2009, is  
34 18 amended to read as follows:

34 19 1. "Barbering" means the practices listed in this  
34 20 subsection performed with or without compensation. ~~The~~

34 21 ~~practices include~~ "Barbering" includes but are is not limited  
34 22 to the following practices performed upon the upper part of  
34 23 the human body of any person for cosmetic purposes and not for  
34 24 the treatment of disease or physical or mental ailments:

34 25 a. Shaving or trimming the beard or cutting the hair.

34 26 b. Giving facial and scalp massages or treatments with

34 27 oils, creams, lotions, or other preparations either by hand,  
34 28 or by electrical or mechanical appliances.

34 29 c. Singeing, shampooing, hair body processing, arranging,  
34 30 dressing, curling, blow waving, hair relaxing, bleaching or  
34 31 coloring the hair, or applying hair tonics.

34 32 d. Applying cosmetic preparations, antiseptics, powders,  
34 33 oils, clays, or lotions to scalp, face, or neck.

34 34 e. Styling, cutting or shampooing hairpieces or wigs when  
34 35 done in conjunction with haircutting or hairstyling.

35 1 ~~Barbers shall not represent themselves to the public as~~  
~~35 2 being primarily engaged in practices other than haircutting~~  
~~35 3 unless the functions are in fact their primary function or~~  
~~35 4 specialty.~~

35 5 Sec. 66. Section 158.2, unnumbered paragraph 1, Code 2009,  
35 6 is amended to read as follows:

35 7 ~~It is unlawful for a~~ A person to shall not practice  
35 8 barbering with or without compensation unless the person  
35 9 possesses a license issued under the provisions of section  
35 10 158.3. A person licensed under section 158.3 shall not  
35 11 represent to the public that the person is primarily engaged  
35 12 in practices other than haircutting unless the functions are  
35 13 in fact the person's primary function or specialty. Practices

35 14 listed in section 158.1 when performed by the following  
35 15 persons ~~are not defined as practicing~~ do not constitute  
35 16 barbering:

35 17 Sec. 67. Section 159A.4, Code 2009, is amended to read as  
35 18 follows:

35 19 159A.4 ADVISORY COMMITTEE.

35 20 1. A renewable fuels and coproducts advisory committee is  
35 21 established within the department.

35 22 ~~2. The committee shall be composed of~~ include the  
35 23 following ~~persons voting members~~:

35 24 a. The following department representatives:

35 25 ~~a-~~ (1) The secretary, or a person designated by the  
35 26 secretary, representing the department of agriculture and land  
35 27 stewardship, who shall be the chairperson of the committee.

35 28 ~~b-~~ (2) The director of the Iowa department of economic  
35 29 development, or a person designated by the director,  
35 30 representing the Iowa department of economic development.

35 31 ~~c-~~ (3) The director of the state department of  
35 32 transportation, or a person designated by the director,  
35 33 representing the state department of transportation.

35 34 ~~d-~~ (4) The director of the department of natural  
35 35 resources, or a person designated by the director,  
36 1 representing the department of natural resources.

36 2 b. The following persons, who shall be appointed by the  
36 3 governor from lists of candidates provided by the  
36 4 organizations represented:

36 5 ~~e-~~ (1) A person representing retail dealers as defined in  
36 6 section 214A.1 who shall be actively engaged in the business  
36 7 of selling motor fuel on a retail basis.

36 8 ~~f-~~ (2) A person representing refiners of petroleum  
36 9 products who shall be actively engaged in the business of  
36 10 refining petroleum into motor fuel for the purpose of sale  
36 11 within the state.

36 12 ~~g-~~ (3) A person representing an organization serving  
36 13 livestock producers in this state.

36 14 ~~h-~~ (4) A person representing the Iowa corn growers  
36 15 association.

36 16 ~~i-~~ (5) A person representing the Iowa soybean  
36 17 association.

36 18 ~~j-~~ (6) A person actively engaged in farming, as defined  
36 19 in section 9H.1.

36 20 ~~k-~~ (7) A person representing the renewable fuels industry  
36 21 in this state.

36 22 c. The governor shall appoint persons who Members  
36 23 appointed by the governor shall be confirmed by the senate,  
36 24 pursuant to section 2.32, to serve as voting members of the  
36 25 committee. However, the secretary of agriculture shall  
36 26 appoint the person representing the department of agriculture  
36 27 and land stewardship, the director of the Iowa department of  
36 28 economic development shall appoint the person representing  
36 29 that department, the director of the state department of  
36 30 transportation shall appoint the person representing that  
36 31 department, and the director of the department of natural  
36 32 resources shall appoint the person representing that  
36 33 department. The governor may make appointments of persons  
36 34 representing organizations listed under paragraphs "g" through  
36 35 "i" from a list of candidates which shall be provided by the  
37 1 organization upon request by the governor.

37 2 ~~2. The members appointed pursuant to subsection 1,~~

~~37 3 paragraphs "e" through "k", and shall serve three-year terms  
37 4 beginning and ending as provided in section 69.19. However,  
37 5 the governor shall appoint initial members to serve for less  
37 6 than three years to ensure members serve staggered terms. A  
37 7 member is eligible for reappointment. A vacancy on the  
37 8 committee shall be filled for the unexpired portion of the  
37 9 regular term in the same manner as regular appointments are  
37 10 made.~~

37 11 3. The committee shall also include four ex officio  
37 12 nonvoting members who shall be legislative members. The  
37 13 legislative members are two state senators, one appointed by  
37 14 the president of the senate, after consultation with the  
37 15 majority leader of the senate, and one appointed by the  
37 16 minority leader of the senate, after consultation with the  
37 17 president of the senate, from their respective parties; and  
37 18 two state representatives, one appointed by the speaker of the  
37 19 house of representatives, after consultation with the majority  
37 20 leader of the house of representatives, and one appointed by  
37 21 the minority leader of the house of representatives, from  
37 22 their respective parties.

37 23 4. A member is eligible for reappointment. A vacancy on  
37 24 the committee shall be filled for the unexpired portion of the  
37 25 regular term in the same manner as regular appointments are  
37 26 made. A vacancy in the membership of the committee does not  
37 27 impair the ability of the committee to carry out committee  
37 28 duties.

~~37 29 4. 5. The committee shall meet on a regular basis and at  
37 30 the call of the chairperson or upon the written request to the  
37 31 chairperson of two or more voting members.~~

~~37 32 5. The members other than those enumerated in subsection  
37 33 1, paragraphs "a" through "d", are entitled to receive  
37 34 compensation as provided in section 7E.6.~~

37 35 6. Five voting members constitute a quorum and the  
38 1 affirmative vote of a majority of the voting members present  
38 2 is necessary for any substantive action to be taken by the  
38 3 committee. The majority shall not include any member who has  
38 4 a conflict of interest and a statement by a member that the  
38 5 member has a conflict of interest is conclusive for this  
38 6 purpose. ~~A vacancy in the membership does not impair the  
38 7 duties of the committee.~~

38 8 7. The members other than those enumerated in subsection  
38 9 2, paragraph "a", are entitled to receive compensation as  
38 10 provided in section 7E.6.

~~38 11 7. 8. The committee shall be staffed by the agricultural  
38 12 marketing division of the department. The coordinator shall  
38 13 serve as secretary to the committee.~~

38 14 Sec. 68. Section 161.1, Code 2009, is amended to read as  
38 15 follows:

38 16 161.1 TITLE.

38 17 This ~~section~~ chapter shall be known and may be cited as the  
38 18 "Iowa Agrichemical Remediation Act".

38 19 Sec. 69. Section 161F.6, Code 2009, is amended to read as  
38 20 follows:

38 21 161F.6 CHAPTERS MADE APPLICABLE.

38 22 1. In the organization, operation, and financing of  
38 23 districts established under this chapter, the provisions of  
38 24 chapter 468 shall apply and any procedure provided under  
38 25 chapter 468 in connection with the organization, financing,  
38 26 and operation of any drainage district shall apply to the  
38 27 organization, financing, and operation of districts organized  
38 28 under this chapter.

~~38 29 2. Wherever any of the provisions of said chapters refer  
38 30 to the word "drainage", the word As used in this chapter or  
38 31 chapter 468:~~

~~38 32 a. "Drainage" shall be deemed to include in its meaning  
38 33 soil erosion and flood control or any combination of drainage,  
38 34 flood control, and soil erosion control. The term "drainage  
38 35 district" shall be considered to include districts having as  
39 1 their purpose soil conservancy or flood control or any  
39 2 combination thereof, and the words "drainage certificates"~~

~~39 3 b. "Drainage certificates" or "drainage bonds" shall be  
39 4 deemed to include certificates or bonds issued in behalf of  
39 5 any district organized under the provisions of this chapter  
39 6 and any procedure provided by these chapters in connection  
39 7 with the organization, financing and operation of any drainage  
39 8 district shall be applicable to the organization, financing  
39 9 and operation of districts organized under this chapter.~~

39 10 c. "Drainage district" shall be considered to include  
39 11 districts having as their purpose soil conservancy or flood  
39 12 control or any combination thereof.

39 13 Sec. 70. Section 162.2, subsection 16, Code 2009, is

39 14 amended to read as follows:

39 15 16. "Research facility" means any school or college of  
39 16 medicine, veterinary medicine, pharmacy, dentistry, or  
39 17 ~~osteopathy~~ osteopathic medicine, or hospital, diagnostic or  
39 18 research laboratories, or other educational or scientific  
39 19 establishment situated in this state concerned with the  
39 20 investigation of, or instruction concerning the structure or  
39 21 function of living organisms, the cause, prevention, control  
39 22 or cure of diseases or abnormal conditions of human beings or  
39 23 animals.

39 24 Sec. 71. Section 166D.10, Code 2009, is amended to read as  
39 25 follows:

39 26 166D.10 MOVEMENT OF SWINE.

39 27 1. ~~Except as otherwise provided in this section, a~~  
39 28 person shall not sell, lease, exhibit, loan, move, or relocate  
39 29 swine within the state unless the swine are accompanied by a  
39 30 certificate of inspection in the same manner as provided for a  
39 31 certificate of veterinary inspection as provided in section  
39 32 163.30. The department may combine the certificate of  
39 33 inspection with a certificate of veterinary inspection.

39 34 2. A certificate of inspection is not required if any of  
39 35 the following apply:

40 1 a. The swine are moved to slaughter.

40 2 b. The swine are relocated, ~~if~~ and all of the following  
40 3 apply:

40 4 (1) A transportation certificate accompanies the relocated  
40 5 swine.

40 6 (2) The swine's owner maintains information regarding the  
40 7 relocation in relocation records. The department may adopt  
40 8 rules excusing a person from maintaining relocation records,  
40 9 if the department determines that the purposes of the chapter  
40 10 as provided in section 166D.1 are not furthered by the  
40 11 requirement.

40 12 (3) A certificate of inspection, or a certificate of  
40 13 veterinary inspection as provided in section 163.30, has been  
40 14 issued for the swine within thirty days prior to the date of  
40 15 relocation. The department may adopt rules excusing a person  
40 16 from complying with this subparagraph if the department  
40 17 determines that the purposes of the chapter as provided in  
40 18 section 166D.1 are not furthered by the requirement.

40 19 (4) The swine have a current negative pseudorabies status.

~~40 20 The department shall adopt rules required to administer  
40 21 this paragraph "b". A transportation certificate accompanying  
40 22 relocated swine shall cite the relevant relocation record and  
40 23 certificate of inspection, or certificate of veterinary  
40 24 inspection. The department may provide for the examination of  
40 25 the relocation records on the owner's premises during normal  
40 26 business hours, or may require that reports containing  
40 27 relevant information contained in relocation records and  
40 28 certificates of inspection, or certificates of veterinary  
40 29 inspection, be periodically submitted to the department. For  
40 30 purposes of this section, swine production information  
40 31 contained in relocation records is a trade secret as provided  
40 32 in section 22.7, unless otherwise provided by rules adopted by  
40 33 the department. The department shall provide for the  
40 34 disclosure of confidential information only to the extent  
40 35 required for enforcement of this chapter, the detection and  
41 1 prosecution of public offenses, or to comply with a subpoena  
41 2 or court order.~~

41 3 c. A person transfers ownership of all or part of a herd,  
41 4 if the herd remains on the same premises. However, the herd  
41 5 must be tested by statistical sampling. If any part of the  
41 6 herd is subsequently moved or relocated, the swine must be  
41 7 moved or relocated in accordance with this section and  
41 8 sections 166D.7, 166D.8, and 166D.10A.

41 9 3. A transportation certificate accompanying swine which  
41 10 are relocated as provided in subsection 2, paragraph "b",  
41 11 shall cite the relevant relocation record and certificate of  
41 12 inspection, or certificate of veterinary inspection. The  
41 13 department may provide for the examination of the relocation  
41 14 records on the owner's premises during normal business hours,  
41 15 or may require that reports containing relevant information  
41 16 contained in relocation records and certificates of  
41 17 inspection, or certificates of veterinary inspection, be  
41 18 periodically submitted to the department. For purposes of  
41 19 this section, swine production information contained in  
41 20 relocation records is a trade secret as provided in section  
41 21 22.7, unless otherwise provided by rules adopted by the  
41 22 department. The department shall provide for the disclosure  
41 23 of confidential information only to the extent required for  
41 24 enforcement of this chapter, the detection and prosecution of

41 25 public offenses, or to comply with a subpoena or court order.

41 26 The department shall adopt rules required to administer

41 27 subsection 2, paragraph "b", and this subsection.

41 28 ~~2- 4. a. Swine Except as provided in paragraph "b",~~

41 29 ~~swine that are moved shall be individually identified as~~  
41 30 ~~provided in section 163.30, which may include requirements for~~  
41 31 ~~affixing ear tags to swine.~~

41 32 ~~b. (1) However, native Iowa feeder pigs moved from~~  
41 33 ~~farm to farm within the state shall be exempted from the~~  
41 34 ~~identification requirements of this subsection if the owner~~  
41 35 ~~transferring possession of the feeder pigs executes a written~~  
42 1 ~~agreement with the person taking possession of the feeder~~  
42 2 ~~pigs.~~

42 3 ~~(a) The agreement shall provide that the feeder pigs shall~~  
42 4 ~~not be commingled with other swine for a period of thirty~~  
42 5 ~~days.~~

42 6 ~~(b) The owner transferring possession shall be responsible~~  
42 7 ~~for making certain that the agreement is executed and for~~  
42 8 ~~providing a copy of the agreement to the person taking~~  
42 9 ~~possession.~~

42 10 ~~(2) Native Iowa feeder pigs that are moved shall be~~  
42 11 ~~accompanied by a certificate of inspection, or a certificate~~  
42 12 ~~of veterinary inspection as provided in section 163.30, unless~~  
42 13 ~~swine are otherwise exempted from this requirement by this~~  
42 14 ~~section.~~

42 15 ~~(3) As used in this subsection paragraph "b", "farm to~~  
42 16 ~~farm within the state" does not include the movement or~~  
42 17 ~~relocation of native Iowa feeder pigs to the possession of a~~  
42 18 ~~dealer licensed pursuant to section 163.30. Native Iowa~~  
42 19 ~~feeder pigs that are moved shall be accompanied by a~~  
42 20 ~~certificate of inspection, or a certificate of veterinary~~  
42 21 ~~inspection as provided in section 163.30, unless swine are~~  
42 22 ~~otherwise exempted from this requirement by this section.~~

42 23 ~~3- 5. Swine from a herd located within this state must be~~  
42 24 ~~moved or relocated in compliance with this section. If the~~  
42 25 ~~swine is moved or relocated from a herd located within a~~  
42 26 ~~county which is designated by the department as in stage II of~~  
42 27 ~~the national pseudorabies eradication program, the swine shall~~  
42 28 ~~not be moved or relocated unless in compliance with section~~  
42 29 ~~166D.11. Regardless of whether the swine is from a herd~~  
42 30 ~~located in a stage II county, the following shall govern the~~  
42 31 ~~movement or relocation of swine within this state:~~

42 32 ~~a. For swine from a noninfected herd, a person shall not~~  
42 33 ~~move swine for breeding purposes, unless one of the following~~  
42 34 ~~applies:~~

42 35 ~~(1) The swine is moved from a qualified negative herd or~~  
43 1 ~~qualified differentiable negative herd.~~

43 2 ~~(2) The swine reacts negatively to a differentiable test~~  
43 3 ~~within thirty days prior to moving the swine.~~

43 4 ~~b. For swine which is exposed, a person shall not move or~~  
43 5 ~~relocate the swine, unless one of the following applies:~~

43 6 ~~(1) The swine reacts negatively to a differentiable test~~  
43 7 ~~within thirty days prior to moving or relocating the swine.~~

43 8 ~~(2) The swine moves by restricted movement to either a~~  
43 9 ~~fixed concentration point or slaughtering establishment.~~

43 10 ~~c. For swine from a herd of unknown status, a person shall~~  
43 11 ~~not move or relocate the swine, unless one of the following~~  
43 12 ~~applies:~~

43 13 ~~(1) The swine reacts negatively to a differentiable test~~  
43 14 ~~within thirty days prior to moving or relocating the swine.~~

43 15 ~~(2) The swine moves by restricted movement to either a~~  
43 16 ~~fixed concentration point or slaughtering establishment.~~

43 17 ~~However, the swine is not required to move by restricted~~  
43 18 ~~movement if the swine is moved from a fixed concentration~~  
43 19 ~~point directly to another fixed concentration point or to a~~  
43 20 ~~slaughtering establishment.~~

43 21 ~~d. For swine which is from an infected herd, a person~~  
43 22 ~~shall not move or relocate the swine, unless one of the~~  
43 23 ~~following applies:~~

43 24 ~~(1) If the swine is part of a cleanup plan, the following~~  
43 25 ~~shall apply:~~

43 26 ~~(a) For swine, other than feeder pigs or cull swine, which~~  
43 27 ~~are part of a herd subject to a cleanup plan, a person shall~~  
43 28 ~~only move swine by restricted movement to either a fixed~~  
43 29 ~~concentration point or slaughtering establishment. A person~~  
43 30 ~~shall not relocate the swine.~~

43 31 ~~(b) For a feeder pig or cull swine which is part of a herd~~  
43 32 ~~subject to a herd cleanup plan, a person shall only move the~~  
43 33 ~~feeder pig or cull swine by restricted movement to either a~~  
43 34 ~~fixed concentration point or slaughtering establishment or~~  
43 35 ~~relocate the feeder pig or cull swine by restricted movement~~

44 1 to an approved premises. For a feeder pig or cull swine which  
44 2 is part of a feeder pig cooperators herd cleanup plan, a person  
44 3 shall only move the feeder pig or cull swine by restricted  
44 4 movement to either a fixed concentration point or slaughtering  
44 5 establishment or move or relocate the feeder pig or cull swine  
44 6 by restricted movement to an approved premises. However, a  
44 7 person shall not move or relocate a feeder pig or cull swine  
44 8 to an approved premises, unless the approved premises is  
44 9 identified in a cleanup plan as provided in section 166D.8, or  
44 10 the department approves the move or relocation to another  
44 11 approved premises. A person shall not move or relocate a cull  
44 12 swine to an approved premises, unless the cull swine reacts  
44 13 negatively to a test and is vaccinated with a differentiable  
44 14 vaccine. The test and vaccine must be administered within  
44 15 thirty days prior to the movement or relocation to the  
44 16 approved premises. A noninfected feeder pig is not required  
44 17 to be tested or vaccinated prior to movement or relocation to  
44 18 an approved premises, if the feeder pig is vaccinated upon  
44 19 arrival at the approved premises.

44 20 (c) For swine from a herd kept on an approved premises, a  
44 21 person shall only move or relocate the swine by restricted  
44 22 movement as provided in the cleanup plan governing the herd  
44 23 and terms and conditions of the certification required for the  
44 24 approved premises as provided in section 166D.10B.

44 25 (2) If the swine is not part of a herd that is subject to  
44 26 a cleanup plan because the herd is quarantined, a person shall  
44 27 only move the swine by restricted movement to either a fixed  
44 28 concentration point or slaughtering establishment.

44 29 ~~4.~~ 6. Swine from a herd located outside this state must  
44 30 be moved into and maintained in this state in compliance with  
44 31 this section. A person shall not move swine into this state,  
44 32 except as follows:

44 33 a. For swine from a herd, other than a noninfected herd,  
44 34 the swine must be moved either to a fixed concentration point  
44 35 or slaughtering establishment.

45 1 b. For swine from a noninfected herd, the swine may be  
45 2 moved to a concentration point or slaughtering establishment.  
45 3 If the swine is not moved to a concentration point or  
45 4 slaughtering establishment, the following shall apply:

45 5 (1) Unless the person moves the swine into a county  
45 6 designated by the department as in stage II of the national  
45 7 pseudorabies eradication program, the following shall apply:

45 8 (a) A person shall not move swine into this state for  
45 9 breeding purposes, unless one of the following applies:

45 10 (i) The swine is moved from a qualified negative herd or  
45 11 qualified differentiable negative herd.

45 12 (ii) The swine reacts negatively to a differentiable test,  
45 13 within thirty days prior to moving the swine.

45 14 (b) A person shall not move a feeder swine which is moved  
45 15 into this state, unless the feeder swine reacts negatively to  
45 16 a differentiable test within thirty days prior to movement  
45 17 from a herd in this state.

45 18 (2) If a person moves the swine into a county which is  
45 19 designated by the department as in stage II of the national  
45 20 pseudorabies eradication program, the following shall apply:

45 21 (a) Except as provided in this subparagraph, the owner of  
45 22 swine shall vaccinate the swine with a modified-live  
45 23 differentiable vaccine, prior to moving swine into the stage  
45 24 II county. A person is not required to vaccinate swine prior  
45 25 to moving swine into the stage II county if one of the  
45 26 following applies:

45 27 (i) The swine is part of a herd that cannot be vaccinated  
45 28 under the law of the state or country in which the herd is  
45 29 kept immediately prior to being moved into the stage II  
45 30 county.

45 31 (ii) The swine is an isowean feeder pig.

45 32 (iii) The swine is moved either to a fixed concentration  
45 33 point or slaughtering establishment.

45 34 (b) For swine which are not vaccinated before being moved  
45 35 into a stage II county as provided in this paragraph, the  
46 1 following shall apply:

46 2 (i) For swine other than swine moved into a herd within a  
46 3 stage II county as an isowean feeder pig, the swine must be  
46 4 immediately vaccinated with a differentiable vaccine, as  
46 5 provided in section 166D.11. The swine shall be considered as  
46 6 part of a herd of unknown status, until tested negative and  
46 7 vaccinated.

46 8 (ii) For swine moved into a herd within a stage II county  
46 9 as an isowean feeder pig, the swine moved into the herd must  
46 10 be immediately vaccinated with a differentiable vaccine, as  
46 11 provided in section 166D.11. The department may require that

46 12 the swine be revaccinated with a differentiable vaccine at a  
46 13 later date. The swine shall be considered as part of a herd  
46 14 of unknown status, until tested negative and vaccinated.  
46 15 ~~5- 7.~~ A person shall not move a swine within this state,  
46 16 other than to a fixed concentration point or slaughtering  
46 17 establishment, if the swine is vaccinated with a vaccine other  
46 18 than a differentiable vaccine approved by the department  
46 19 pursuant to section 166D.14.

46 20 ~~6- 8.~~ Known infected swine moved through a fixed  
46 21 concentration point shall only be moved by restricted movement  
46 22 to a slaughtering establishment.

46 23 ~~7- 9.~~ Swine moved under this section to a slaughtering  
46 24 establishment shall be for the exclusive purpose of  
46 25 slaughtering the swine. Swine moved under this section to a  
46 26 fixed concentration point shall be for the exclusive purpose  
46 27 of immediately moving the swine to a slaughtering  
46 28 establishment. Swine moved or relocated under this section to  
46 29 an approved premises shall be for the exclusive purpose of  
46 30 feeding the swine prior to movement or relocation to another  
46 31 approved premises, or movement to either a fixed concentration  
46 32 point or a slaughtering establishment.

46 33 Sec. 72. Section 169.5, Code 2009, is amended to read as  
46 34 follows:

46 35 169.5 BOARD OF VETERINARY MEDICINE.

47 1 1. a. The governor shall appoint, subject to confirmation  
47 2 by the senate pursuant to section 2.32, a board of five  
47 3 individuals, three of whom shall be licensed veterinarians and  
47 4 two of whom shall not be licensed veterinarians, ~~but shall be~~  
47 5 ~~knowledgeable in the area of animal husbandry and who shall~~  
47 6 ~~represent the general public. The representatives of the~~  
47 7 ~~general public shall not prepare, grade or otherwise~~  
47 8 ~~administer examinations to applicants for license to practice~~  
47 9 ~~veterinary medicine. The board shall be known as the Iowa~~  
47 10 ~~board of veterinary medicine.~~

47 11 b. Each licensed veterinarian board member shall be  
47 12 actively engaged in veterinary medicine and shall have been so  
47 13 engaged for a period of five years immediately preceding  
47 14 appointment, the last two of which shall have been in Iowa.  
47 15 The representatives of the general public shall be  
47 16 knowledgeable in the area of animal husbandry. A member of  
47 17 the board shall not be employed by or have any material or  
47 18 financial interest in any wholesale or jobbing house dealing  
47 19 in supplies, equipment, or instruments used or useful in the  
47 20 practice of veterinary medicine.

47 21 ~~A member of the board shall not be employed by or have any~~  
47 22 ~~material or financial interest in any wholesale or jobbing~~  
47 23 ~~house dealing in supplies, equipment or instruments used or~~  
47 24 ~~useful in the practice of veterinary medicine. The person~~  
47 25 ~~designated as the state veterinarian shall serve as secretary~~  
47 26 ~~of the board.~~

47 27 c. Professional associations or societies composed of  
47 28 licensed veterinarians may recommend the names of potential  
47 29 board members to the governor, but the governor is not bound  
47 30 by the recommendations.

47 31 2. The members of the board shall be appointed for a term  
47 32 of three years except the terms of the members of the initial  
47 33 board shall be rotated in such a manner that at least one  
47 34 member shall retire each year and a successor be appointed.  
47 35 The term of each member shall commence and end as provided by  
48 1 section 69.19. Members shall serve no more than three terms  
48 2 or nine years total, whichever is less. Any vacancy in the  
48 3 membership of the board caused by death, resignation, removal,  
48 4 or otherwise, shall be filled for the period of the unexpired  
48 5 term in the same manner as original appointments.

48 6 3. ~~Any vacancy in the membership of the board caused by~~  
48 7 ~~death, resignation, removal, or otherwise, shall be filled for~~  
48 8 ~~the period of the unexpired term in the same manner as~~  
48 9 ~~original appointments.~~

48 10 4. ~~Members of the board shall, in addition to necessary~~  
48 11 ~~traveling and other expenses, set their own per diem~~  
48 12 ~~compensation at a rate not exceeding the per diem specified in~~  
48 13 ~~section 7E.6 for each day actually engaged in the discharge of~~  
48 14 ~~their duties including compensation for the time spent~~  
48 15 ~~traveling to and from the place of conducting the examination~~  
48 16 ~~and for a reasonable number of days for the preparation of~~  
48 17 ~~examination and the reading of papers, in addition to the time~~  
48 18 ~~actually spent in conducting examinations, within the limits~~  
48 19 ~~of funds appropriated to the board.~~

48 20 5. ~~The department shall furnish the board with all~~  
48 21 ~~articles and supplies required for the public use and~~  
48 22 ~~necessary to enable the board to perform the duties imposed~~

~~48 23 upon it by law. Such articles and supplies shall be obtained  
48 24 by the department in the same manner in which the regular  
48 25 supplies for the department are obtained, and the department  
48 26 shall assess the costs to the board for such articles and  
48 27 supplies. The board shall also reimburse the department for  
48 28 direct and indirect administrative costs incurred in issuing  
48 29 and renewing the licenses.~~

48 30 ~~6- 3.~~ The board shall meet at least once each year as  
48 31 determined by the board. Other necessary meetings may be  
48 32 called by the president of the board by giving proper notice.  
48 33 Except as provided, a majority of the board constitutes a  
48 34 quorum. Meetings shall be open and public except that the  
48 35 board may meet in closed session to prepare, approve,  
49 1 administer, or grade examinations, or to deliberate the  
49 2 qualifications of an applicant for license or the disposition  
49 3 of a proceeding to discipline a licensed veterinarian.

49 4 ~~7- 4.~~ At its annual meeting, the board shall organize by  
49 5 electing a president and such other officers as may be  
49 6 necessary. Officers of the board serve for terms of one year  
49 7 and until a successor is elected, without limitation on the  
49 8 number of terms an officer may serve. The president shall  
49 9 serve as chairperson of board meetings. The person designated  
49 10 as the state veterinarian shall serve as secretary of the  
49 11 board.

49 12 5. The duties of the board shall include carrying on the  
49 13 correspondence of the board, keeping permanent accounts and  
49 14 records of all receipts and disbursements by the board and of  
49 15 all board proceedings, including the disposition of all  
49 16 applications for a license, and keeping a register of all  
49 17 persons currently licensed by the board. The representatives  
49 18 of the general public shall not prepare, grade, or otherwise  
49 19 administer examinations to applicants for a license to  
49 20 practice veterinary medicine. All board records shall be open  
49 21 to public inspection during regular office hours.

49 22 6. Members of the board shall set their own per diem  
49 23 compensation, at a rate not exceeding the per diem specified  
49 24 in section 7E.6 for each day actually engaged in the discharge  
49 25 of their duties, as well as compensation for necessary  
49 26 traveling and other expenses. Compensation for veterinarian  
49 27 members of the board shall include compensation for the time  
49 28 spent traveling to and from the place of conducting the  
49 29 examination and for a reasonable number of days for the  
49 30 preparation of examination and the reading of papers, in  
49 31 addition to the time actually spent in conducting  
49 32 examinations, within the limits of funds appropriated to the  
49 33 board.

49 34 ~~8.~~ The board shall set the fees by rule for a license to  
49 35 practice veterinary medicine issued upon the basis of the  
50 1 examination. It shall also set the fees by rule for a license  
50 2 granted on the basis of reciprocity, a renewal of a license to  
50 3 practice veterinary medicine, a certified statement that a  
50 4 licensee is licensed to practice in this state, and an  
50 5 issuance of a duplicate license when the original is lost or  
50 6 destroyed. The fee shall be based upon the administrative  
50 7 costs of sustaining the board and shall include, but shall not  
50 8 be limited to, the following:

50 9 a. Per diem, expenses, and travel of board members.

50 10 b. Costs to the department for administration of this

50 11 chapter.

50 12 ~~9- 7.~~ Upon a three-fifths vote, the board may:  
50 13 a. Examine and determine the qualifications and fitness of  
50 14 applicants for a license to practice veterinary medicine in  
50 15 the state.

50 16 b. Issue, renew, or deny issuance or renewal of licenses  
50 17 and temporary permits to practice veterinary medicine in this  
50 18 state.

50 19 c. Establish and publish annually a schedule of fees for  
50 20 licensing and registration of veterinarians. The fees shall  
50 21 be set by rule and shall include fees for a license to  
50 22 practice veterinary medicine issued upon the basis of the  
50 23 examination, a license granted on the basis of reciprocity, a  
50 24 renewal of a license to practice veterinary medicine, a  
50 25 certified statement that a licensee is licensed to practice in  
50 26 this state, and an issuance of a duplicate license when the  
50 27 original is lost or destroyed. The fee schedule shall be  
50 28 based on the board's anticipated financial requirements for  
50 29 the year, which shall include but not be limited to the  
50 30 following:

50 31 (1) Per diem, expenses, and travel of board members.

50 32 (2) Costs to the department for administration of this

50 33 chapter.

50 34 d. Conduct investigations for the purpose of discovering  
50 35 violations of this chapter or grounds for disciplining  
51 1 licensed veterinarians.  
51 2 e. Hold hearings on all matters properly brought before  
51 3 the board and administer oaths, receive evidence, make the  
51 4 necessary determinations, and enter orders consistent with the  
51 5 findings. The board may require by subpoena the attendance  
51 6 and testimony of witnesses and the production of papers,  
51 7 records, or other documentary evidence and commission  
51 8 depositions. An administrative law judge may be appointed  
51 9 pursuant to section 17A.11 to perform those functions which  
51 10 properly repose in an administrative law judge.  
51 11 f. Employ full-time or part-time personnel, professional,  
51 12 clerical, or special, as are necessary to effectuate the  
51 13 provisions of this chapter.  
51 14 g. Appoint from its own membership one or more members to  
51 15 act as representatives of the board at any meeting within or  
51 16 without the state where such representation is deemed  
51 17 desirable.  
51 18 h. Bring proceedings in the courts for the enforcement of  
51 19 this chapter or any regulations made pursuant to this chapter.  
51 20 i. Adopt, amend, or repeal rules relating to the standards  
51 21 of conduct for, testing of, and revocation or suspension of  
51 22 certificates issued to veterinary assistants. However, a  
51 23 certificate shall not be suspended or revoked by less than a  
51 24 two-thirds vote of the entire board in a proceeding conducted  
51 25 in compliance with section 17A.12.  
51 26 j. Adopt, amend, or repeal all rules necessary for its  
51 27 government and all regulations necessary to carry into effect  
51 28 the provision of this chapter, including the establishment and  
51 29 publication of standards of professional conduct for the  
51 30 practice of veterinary medicine.

51 31 8. The powers enumerated ~~above~~ in subsection 7 are granted  
51 32 for the purpose of enabling the board to effectively supervise  
51 33 the practice of veterinary medicine and are to be construed  
51 34 liberally to accomplish this objective.

51 35 ~~10-~~ 9. A person who provides veterinary medical services,  
52 1 owns a veterinary clinic, or practices in this state shall  
52 2 obtain a certificate from the board and be subject to the same  
52 3 standards of conduct, as provided in this chapter and rules  
52 4 adopted by the board, as apply to a licensed veterinarian,  
52 5 unless the board determines that the same standards of conduct  
52 6 are inapplicable. The board shall issue, renew, or deny a  
52 7 certificate; adopt rules relating to the standards of conduct;  
52 8 and take disciplinary action against the person, including  
52 9 suspension or revocation of a certificate, in accordance with  
52 10 the procedures established in section 169.14. Certification  
52 11 fees shall be established by the board pursuant to subsection  
52 12 ~~9~~ 7, paragraph "j". Fees shall be established in an amount  
52 13 sufficient to fully offset the costs of certification pursuant  
52 14 to this subsection. For the fiscal year beginning July 1,  
52 15 2001, and ending June 30, 2002, the department shall retain  
52 16 fees collected to administer the program of certifying  
52 17 veterinary clinics and the fees retained are appropriated to  
52 18 the department for the purposes of this subsection. For the  
52 19 fiscal year beginning July 1, 2001, and ending June 30, 2002,  
52 20 notwithstanding section 8.33, fees which remain unexpended at  
52 21 the end of the fiscal year shall not revert to the general  
52 22 fund of the state but shall be available for use for the  
52 23 following fiscal year to administer the program. For the  
52 24 fiscal year beginning July 1, 2002, and succeeding fiscal  
52 25 years, certification fees shall be deposited in the general  
52 26 fund of the state and are appropriated to the department to  
52 27 administer the certification provisions of this subsection.  
52 28 This subsection shall not apply to an animal shelter, as  
52 29 defined in section 162.2, that provides veterinary medical  
52 30 services to animals in the custody of the shelter.

52 31 10. The department shall furnish the board with all  
52 32 articles and supplies required for the public use and  
52 33 necessary to enable the board to perform the duties imposed  
52 34 upon it by law. Such articles and supplies shall be obtained  
52 35 by the department in the same manner in which the regular  
53 1 supplies for the department are obtained, and the department  
53 2 shall assess the costs to the board for such articles and  
53 3 supplies. The board shall also reimburse the department for  
53 4 direct and indirect administrative costs incurred in issuing  
53 5 and renewing the licenses.

53 6 Sec. 73. Section 175B.4, Code 2009, is amended to read as  
53 7 follows:

53 8 175B.4 OTHER PROGRAMS.

53 9 Nothing in this chapter restricts the department from

53 10 providing for other programs which promote the purposes of the  
53 11 federal programs.

53 12 Sec. 74. Section 190.12, Code 2009, is amended to read as  
53 13 follows:

53 14 190.12 STANDARDS FOR FROZEN DESSERTS.

53 15 1. Frozen desserts and the pasteurized dairy ingredients  
53 16 used in the manufacture thereof, shall comply with the  
53 17 following standards:

---

53 19 Milk, cream, and fluid	Temperature	Storage at 45 degrees F.
53 20 dairy ingredient	Bacterial limit	50,000 per milliliter
	Coliform limit	10 per milliliter

---

53 23 Frozen dessert mixes,	Temperature	Storage at 45 degrees F.
53 24 frozen desserts (plain)	Bacterial limit	50,000 per gram
53 25	Coliform limit	10 per gram

---

53 27 Dry dairy ingredient	Extra grade or better as defined by	
53 28	U.S. Standards for grades for the	
53 29	particular product.	

---

53 31 Dry powder mix	Bacterial limit	50,000 per gram
53 32	Coliform limit	10 per gram

---

53 34 2. The bacteria count and coliform determination shall not  
53 35 exceed ~~this standard~~ these standards in three out of the last  
54 1 five consecutive samples taken by the regulatory agency.

54 2 3. This section shall not preclude holding mix at a higher  
54 3 temperature for a short period of time immediately prior to  
54 4 freezing where applicable to the particular manufacturing or  
54 5 processing practices.

54 6 4. This section shall not apply to sterilized mix in  
54 7 hermetically sealed containers.

54 8 5. The coliform determination for bulky flavored frozen  
54 9 desserts shall not be more than twenty per gram.

54 10 Sec. 75. Section 191.6, Code 2009, is amended to read as  
54 11 follows:

54 12 191.6 STANDARDS FOR OLEOMARGARINE.

54 13 The department may prescribe and establish standards for  
54 14 oleo, oleomargarine, or margarine manufactured or sold in this  
54 15 state and may adopt the standards set up by ~~now existing~~  
54 16 regulations of the ~~federal security administration or agency~~  
~~54 17 as found in 1949, Code of Federal Regulations, Title 21, Part~~  
~~54 18 45, } 45-0 food and drug administration of the United States~~  
~~54 19 department of health and human services, 21 C.F.R. } 166.110,~~  
54 20 or any amendments thereto. Any standards so established shall  
54 21 not be contrary to or inconsistent with the provisions of  
54 22 section 190.1, subsection 6, entitled "Oleomargarine".

54 23 Sec. 76. Section 200.14, Code 2009, is amended to read as  
54 24 follows:

54 25 200.14 RULES.

54 26 1. The secretary is authorized, after public hearing,  
54 27 following due notice, to adopt rules setting forth minimum  
54 28 general safety standards for the design, construction,  
54 29 location, installation and operation of equipment for storage,  
54 30 handling, transportation by tank truck or tank trailer, and  
54 31 utilization of anhydrous ammonia.

54 32 a. The rules shall be such as are reasonably necessary for  
54 33 the protection and safety of the public and persons using  
54 34 anhydrous ammonia, and shall be in substantial conformity with  
54 35 the generally accepted standards of safety.

55 1 b. ~~It is hereby declared that rules~~ Rules that are in  
55 2 substantial conformity with the published standards of the  
55 3 agricultural ammonia institute for the design, installation  
55 4 and construction of containers and pertinent equipment for the  
55 5 storage and handling of anhydrous ammonia, shall be deemed to  
55 6 be in substantial conformity with the generally accepted  
55 7 standards of safety.

55 8 2. Anhydrous ammonia equipment shall be installed and  
55 9 maintained in a safe operating condition and in conformity  
55 10 with rules adopted by the secretary.

55 11 3. The secretary ~~is hereby charged with the enforcement of~~  
55 12 ~~shall enforce~~ this chapter, and, after due publicity and due  
55 13 public hearing, ~~is empowered to~~ may promulgate and adopt such  
55 14 reasonable rules as may be necessary in order to carry into  
55 15 effect the purpose and intent and to secure the efficient  
~~55 16 administration of this chapter or to secure the efficient~~  
~~55 17 administration thereof.~~

55 18 4. ~~Nothing in this~~ This chapter ~~shall~~ does not prohibit  
55 19 the use of storage tanks smaller than transporting tanks nor  
55 20 the transfer of all kinds of fertilizer including anhydrous

55 21 ammonia directly from transporting tanks to implements of  
55 22 husbandry, if proper safety precautions are observed.  
55 23 Sec. 77. Section 203C.18, subsection 1, paragraph c, Code  
55 24 2009, is amended to read as follows:  
55 25 c. A statement that the receipt is issued subject to the  
55 26 Iowa warehouse Act and the rules and regulations prescribed  
55 27 pursuant to ~~the Act~~ this chapter.

55 28 Sec. 78. Section 203D.1, Code 2009, is amended by adding  
55 29 the following new subsection:

55 30 NEW SUBSECTION. 10A. "Purchased grain" means grain which  
55 31 is entered in the company owned paid position as evidenced on  
55 32 the grain dealer's daily position record.

55 33 Sec. 79. Section 203D.3, subsection 2, paragraph a,  
55 34 unnumbered paragraph 1, Code 2009, is amended to read as  
55 35 follows:

56 1 A per-bushel fee shall be assessed on all purchased grain.  
56 2 ~~As used in this chapter, "purchased grain" means grain which~~  
56 3 ~~is entered in the company owned paid position as evidenced on~~  
56 4 ~~the grain dealer's daily position record.~~ However, if the  
56 5 grain dealer provides documentation regarding the transaction  
56 6 satisfactory to the department, the following transactions  
56 7 shall be excluded from the fee:

56 8 Sec. 80. Section 206.6, subsection 5, Code 2009, is  
56 9 amended to read as follows:

56 10 5. Issue commercial applicator license.

56 11 a. The secretary shall approve an application and issue a  
56 12 commercial applicator license to the applicant as follows:

56 13 (1) The applicant is qualified as found by the secretary  
56 14 to apply pesticides in the classifications for which the  
56 15 applicant has applied.

56 16 (2) The applicant must furnish to the department evidence  
56 17 of financial responsibility as required under section 206.13.

56 18 (3) An applicant applying for a license to engage in  
56 19 aerial application of pesticides must meet all of the  
56 20 requirements of the federal aviation administration, the  
56 21 United States department of transportation, and any other  
56 22 applicable federal or state laws or regulations to operate the  
56 23 equipment described in the application.

56 24 b. The secretary shall adopt by rule, additional  
56 25 requirements for issuing a license to a person who is a  
56 26 nonresident of this state engaged in the aerial application of  
56 27 pesticides, which may include but is not limited to conditions  
56 28 for the operation of the aircraft and the application of the  
56 29 pesticides under the supervision of a person who is a resident  
56 30 of this state and licensed as a commercial applicator under  
56 31 this section or as a pesticide dealer under section 206.8.

56 32 The secretary shall not adopt rules concerning the operation  
56 33 of aircraft when a nonresident person is not engaged in the  
56 34 commercial application of pesticides.

56 35 ~~b.~~ c. The secretary shall issue a commercial applicator  
57 1 license limited to the classifications for which the applicant  
57 2 is qualified, which shall expire at the end of the calendar  
57 3 year of issue unless it has been revoked or suspended by the  
57 4 secretary for cause. The secretary may limit the license of  
57 5 the applicant to the use of certain pesticides, or to certain  
57 6 areas, or to certain types of equipment if the applicant is  
57 7 only so qualified. If a license is not issued as applied for,  
57 8 the secretary shall inform the applicant in writing of the  
57 9 reasons.

57 10 Sec. 81. Section 207.15, subsections 1, 2, and 5, Code  
57 11 2009, are amended to read as follows:

57 12 1. a. (1) A person who violates a permit condition, a  
57 13 provision of this chapter, or a rule or order issued under  
57 14 this chapter is subject to a civil penalty not to exceed five  
57 15 thousand dollars per day for each day of violation.

57 16 (2) If a violation results in the issuance of a cessation  
57 17 order, a civil penalty shall be imposed. The penalty shall  
57 18 not exceed five thousand dollars for each day of violation.

57 19 b. In determining the amount of the penalty, consideration  
57 20 shall be given to the operator's history of previous  
57 21 violations at the particular mining operation, the seriousness  
57 22 of the violation, including any irreparable harm to the  
57 23 environment and any hazard to the health or safety of the  
57 24 public, whether the operator was negligent, and the  
57 25 demonstrated good faith of the operator charged in attempting  
57 26 to achieve rapid compliance after notification of the  
57 27 violation.

57 28 c. An operator who fails to correct a violation for which  
57 29 a notice or order has been issued within the period permitted  
57 30 for its correction shall be required to pay a civil penalty of  
57 31 not less than seven hundred fifty dollars for each day during

57 32 which the failure or violations continue.

57 33 2. a. If a notice or order has been issued, the division  
57 34 may assess a recommended penalty in accordance with a schedule  
57 35 established by rule. The person to whom the notice or order  
58 1 was issued may submit written information within fifteen days  
58 2 of the notice or order to be considered by the division. The  
58 3 division shall serve the assessment by certified mail, return  
58 4 receipt requested, within thirty days of issuance of the  
58 5 notice or order. The division may reassess any penalty if  
58 6 necessary to ~~consider~~ account for facts not reasonably  
58 7 available on the date of issuance of the assessment. A person  
58 8 may consent to a penalty assessment by paying the penalty  
58 9 without resort to judicial proceedings.

58 10 b. If a violation results in the issuance of a cessation  
58 11 order pursuant to section 207.14 the division shall assess a  
58 12 penalty.

58 13 5. If a violation results in a cessation order pursuant to  
58 14 section 207.14, the attorney general, at the request of the  
58 15 division, shall institute a civil action in district court for  
58 16 injunctive relief.

58 17 5A. Notwithstanding section 17A.20, an appeal bond shall  
58 18 be required for an appeal of a judgment assessing a civil  
58 19 penalty.

58 20 Sec. 82. Section 216.8A, subsection 3, paragraph c,  
58 21 subparagraph (1), Code 2009, is amended to read as follows:

58 22 (1) A refusal to permit, at the expense of the person with  
58 23 a disability, reasonable modifications of existing premises  
58 24 occupied or to be occupied by the person if the modifications  
58 25 are necessary to afford the person full enjoyment of the  
58 26 premises. However, it is not discrimination for a landlord,  
58 27 ~~in in~~ the case of a rental, ~~a landlord may, and~~ where  
58 28 reasonable to do so, to condition permission for a  
58 29 modification on the renter's agreement to restore the interior  
58 30 of the premises to the condition that existed before the  
58 31 modification, reasonable wear and tear excepted.

58 32 Sec. 83. Section 216.16, Code 2009, is amended to read as  
58 33 follows:

58 34 216.16 SIXTY=DAY ADMINISTRATIVE RELEASE.

58 35 1. A person claiming to be aggrieved by an unfair or  
59 1 discriminatory practice must initially seek an administrative  
59 2 relief by filing a complaint with the commission in accordance  
59 3 with section 216.15. This provision also applies to persons  
59 4 claiming to be aggrieved by an unfair or discriminatory  
59 5 practice committed by the state or an agency or political  
59 6 subdivision of the state, notwithstanding the terms of the  
59 7 Iowa administrative procedure Act, chapter 17A. ~~A complainant~~  
59 8 ~~after~~

59 9 2. ~~After~~ After the proper filing of a complaint with the  
59 10 commission, ~~a complainant~~ may subsequently commence an action  
59 11 for relief in the district court if all of the following  
59 12 conditions have been satisfied:

59 13 a. The complainant has timely filed the complaint with the  
59 14 commission as provided in section 216.15, subsection 12, ~~and,~~

59 15 b. The complaint has been on file with the commission for  
59 16 at least sixty days and the commission has issued a release to  
59 17 the complainant pursuant to subsection ~~2 of this section~~ 3.

59 18 ~~2-~~ 3. a. Upon a request by the complainant, and after  
59 19 the expiration of sixty days from the timely filing of a  
59 20 complaint with the commission, the commission shall issue to  
59 21 the complainant a release stating that the complainant has a  
59 22 right to commence an action in the district court. A release  
59 23 under this subsection shall not be issued if ~~a~~ any of the  
59 24 following apply:

59 25 (1) A finding of no probable cause has been made on the  
59 26 complaint by the administrative law judge charged with that  
59 27 duty under section 216.15, subsection 3, ~~a.~~

59 28 (2) A conciliation agreement has been executed under  
59 29 section 216.15, ~~the.~~

59 30 (3) The commission has served notice of hearing upon the  
59 31 respondent pursuant to section 216.15, subsection 5, ~~or the.~~

59 32 (4) The complaint is closed as an administrative closure  
59 33 and two years have elapsed since the issuance date of the  
59 34 closure.

59 35 b. Notwithstanding section 216.15, subsection 4, a party  
60 1 may obtain a copy of all documents contained in a case file  
60 2 where the commission has issued a release to the complainant  
60 3 pursuant to this subsection.

60 4 ~~3-~~ 4. An action authorized under this section is barred  
60 5 unless commenced within ninety days after issuance by the  
60 6 commission of a release under subsection ~~2 of this section~~ 3.  
60 7 If a complainant obtains a release from the commission under

60 8 subsection ~~2~~ of this section 3, the commission is barred from  
60 9 further action on that complaint.

60 10 ~~4.~~ 5. Venue for an action under this section shall be in  
60 11 the county in which the respondent resides or has its  
60 12 principal place of business, or in the county in which the  
60 13 alleged unfair or discriminatory practice occurred.

60 14 ~~5.~~ 6. The district court may grant any relief in an  
60 15 action under this section which is authorized by section  
60 16 216.15, subsection 8 to be issued by the commission. The  
60 17 district court may also award the respondent reasonable  
60 18 attorney's fees and court costs when the court finds that the  
60 19 complainant's action was frivolous.

60 20 ~~6.~~ 7. It is the legislative intent of this chapter that  
60 21 every complaint be at least preliminarily screened during the  
60 22 first one hundred twenty days.

60 23 8. This section does not authorize administrative closures  
60 24 if an investigation is warranted.

60 25 Sec. 84. Section 216E.7, Code 2009, is amended to read as  
60 26 follows:

60 27 216E.7 EXEMPTIONS.

60 28 This chapter does not apply to a hearing aid sold, leased,  
60 29 or transferred to a consumer by an audiologist licensed under  
60 30 chapter ~~147~~ 154F, or a hearing aid dispenser licensed under  
60 31 chapter 154A, if the audiologist or dispenser provides either  
60 32 an express warranty for the hearing aid or provides for  
60 33 service and replacement of the hearing aid.

60 34 Sec. 85. Section 229.15, subsection 3, paragraph a, Code  
60 35 2009, is amended to read as follows:

61 1 a. A psychiatric advanced registered nurse practitioner  
61 2 treating a patient previously hospitalized under this chapter  
61 3 may complete periodic reports pursuant to this section on the  
61 4 patient if the patient has been recommended for treatment on  
61 5 an outpatient or other appropriate basis pursuant to section  
61 6 229.14, subsection 1, paragraph "c", and if a psychiatrist  
61 7 licensed pursuant to chapter ~~148, 150, or 150A~~ personally  
61 8 evaluates the patient on at least an annual basis.

61 9 Sec. 86. Section 235.1, Code 2009, is amended to read as  
61 10 follows:

61 11 235.1 DEFINITIONS.

61 12 As used in this chapter, unless the context otherwise  
61 13 requires:

~~61 14 1. The terms "state division", "administrator", and~~  
~~61 15 "child" are used in this chapter and chapter 238 as the terms~~  
~~61 16 are "Administrator" means the same as defined in section~~  
61 17 234.1.

61 18 2. "Child" means the same as defined in section 234.1.

61 19 3. "Child welfare services" means social welfare services  
61 20 for the protection and care of children who are homeless,  
61 21 dependent or neglected, or in danger of becoming delinquent,  
61 22 or who have a mental illness or mental retardation or other  
61 23 developmental disability, including, when necessary, care and  
61 24 maintenance in a foster care facility. Child welfare services  
61 25 are designed to serve a child in the child's home whenever  
61 26 possible. If not possible, and the child is placed outside  
61 27 the child's home, the placement should be in the least  
61 28 restrictive setting available and in close proximity to the  
61 29 child's home.

61 30 4. "State division" means the same as defined in section  
61 31 234.1.

61 32 Sec. 87. Section 235B.3A, subsection 3, unnumbered  
61 33 paragraph 1, Code 2009, is amended to read as follows:

61 34 Providing a dependent adult with immediate and adequate  
61 35 notice of the dependent adult's rights. The notice shall  
62 1 consist of handing the dependent adult a document that  
62 2 includes the telephone numbers of shelters, support groups,  
62 3 and crisis lines operating in the area and contains a copy of  
62 4 the following written statement, requesting the dependent  
62 5 adult to read the card, and asking the dependent adult whether  
62 6 the dependent adult understands the rights:

62 7 Sec. 88. Section 235B.3A, subsection 3, unnumbered  
62 8 paragraph 2, Code 2009, is amended by striking the paragraph.

62 9 Sec. 89. Section 235E.2, subsection 13, paragraph a,  
62 10 subparagraphs (2) and (3), Code 2009, are amended to read as  
62 11 follows:

62 12 (2) The alleged dependent adult abuser requests the  
62 13 presence of ~~a~~ an employee organization or union  
62 14 representative.

62 15 (3) The employee organization or union representative  
62 16 maintains the confidentiality of all information from the  
62 17 interview subject to the penalties provided in section 235B.12  
62 18 if such confidentiality is breached.

62 19 Sec. 90. Section 235E.3, subsection 3, paragraph a,  
62 20 unnumbered paragraph 1, Code 2009, is amended to read as  
62 21 follows:

62 22 Providing a dependent adult with immediate and adequate  
62 23 notice of the dependent adult's rights. The notice shall  
62 24 consist of handing the dependent adult a document that  
62 25 includes the telephone numbers of shelters, support groups,  
62 26 and crisis lines operating in the area and contains a copy of  
62 27 the following written statement<sup>7</sup>; requesting the dependent  
62 28 adult to read the card<sup>i</sup> and asking the dependent adult whether  
62 29 the dependent adult understands the rights:

62 30 Sec. 91. Section 235E.3, subsection 3, paragraph b, Code  
62 31 2009, is amended by striking the paragraph.

62 32 Sec. 92. Section 235E.4, Code 2009, is amended to read as  
62 33 follows:

62 34 235E.4 CHAPTER 235B APPLICATION.

62 35 Sections 235B.4 through 235B.20, where not inconsistent  
63 1 with this chapter, shall apply to this chapter.

63 2 Sec. 93. Section 236.12, subsection 1, paragraph c,  
63 3 unnumbered paragraph 1, Code 2009, is amended to read as  
63 4 follows:

63 5 Providing an abused person with immediate and adequate  
63 6 notice of the person's rights. The notice shall consist of  
63 7 handing the person a document that includes the telephone  
63 8 numbers of shelter, support groups, and crisis lines operating  
63 9 in the area and contains a copy of the following statement

63 10 written in English and Spanish<sup>7</sup>; asking the person to read the  
63 11 card<sup>i</sup> and asking whether the person understands the rights:

63 12 Sec. 94. Section 236.12, subsection 1, paragraph c,  
63 13 unnumbered paragraph 8, Code 2009, is amended by striking the  
63 14 unnumbered paragraph.

63 15 Sec. 95. Section 238.1, Code 2009, is amended to read as  
63 16 follows:

63 17 238.1 DEFINITIONS.

63 18 ~~1.~~ For the purpose of this chapter ~~the word~~  
63 19 ~~"administrator" unless the context otherwise requires:~~

63 20 1. "Administrator" means the administrator of the division  
63 21 of child and family services of the department of human  
63 22 services.

63 23 2. "Child" means the same as defined in section 234.1.

63 24 3. "Child-placing agency" means any agency, whether  
63 25 public, semipublic, or private, which represents that the  
63 26 agency places children permanently or temporarily in private  
63 27 family homes or receives children for placement in private  
63 28 family homes, or which actually engages for gain or otherwise  
63 29 in the placement of children in private family homes.

63 30 ~~2.~~ 4. The word "person" "Person" or "agency" ~~where used~~  
63 31 ~~in this chapter~~ shall include individuals, institutions,  
63 32 partnerships, voluntary associations, and corporations, other  
63 33 than institutions under the management or control of any  
63 34 division or any administrator of the department of human  
63 35 services or any administrator thereof.

64 1 5. "State division" means the same as defined in section  
64 2 234.1.

64 3 Sec. 96. Section 249A.6, subsection 1, paragraph a,  
64 4 subparagraph (2), Code 2009, is amended to read as follows:

64 5 (2) Cooperate with the department in obtaining payments  
64 6 described in ~~paragraph "a"~~ subparagraph (1).

64 7 Sec. 97. Section 252B.5, subsection 8, Code 2009, is  
64 8 amended to read as follows:

64 9 8. a. At the request of either parent who is subject to  
64 10 the order of support or upon its own initiation, review the  
64 11 amount of the support award in accordance with the guidelines  
64 12 established pursuant to section 598.21B, and Title IV=D of the  
64 13 federal Social Security Act, as amended, and take action to  
64 14 initiate modification proceedings if the criteria established  
64 15 pursuant to this section are met. However, a review of a  
64 16 support award is not required if the child support recovery  
64 17 unit determines that such a review would not be in the best  
64 18 interest of the child and neither parent has requested such  
64 19 review.

64 20 b. The department shall adopt rules ~~no later than October~~  
64 21 ~~13, 1990,~~ setting forth the process for review of requests for  
64 22 modification of support obligations and the criteria and  
64 23 process for taking action to initiate modification  
64 24 proceedings.

64 25 Sec. 98. Section 256D.2A, Code 2009, is amended to read as  
64 26 follows:

64 27 256D.2A PROGRAM FUNDING.

64 28 ~~Beginning~~ For the budget year beginning July 1, 2009, and  
64 29 each succeeding budget year, a school district shall expend

64 30 funds received pursuant to section 257.10, subsection 11, at  
64 31 the kindergarten through grade three levels to reduce class  
64 32 sizes to the state goal of seventeen students for every one  
64 33 teacher and to achieve a higher level of student success in  
64 34 the basic skills, especially reading. In order to support  
64 35 these efforts, school districts may expend funds received  
65 1 pursuant to section 257.10, subsection 11, at the kindergarten  
65 2 through grade three level on programs, instructional support,  
65 3 and materials that include but are not limited to the  
65 4 following: additional licensed instructional staff;  
65 5 additional support for students, such as before and after  
65 6 school programs, tutoring, and intensive summer programs; the  
65 7 acquisition and administration of diagnostic reading  
65 8 assessments; the implementation of research-based  
65 9 instructional intervention programs for students needing  
65 10 additional support; the implementation of all-day, everyday  
65 11 kindergarten programs; and the provision of classroom teachers  
65 12 with intensive training programs to improve reading  
65 13 instruction and professional development in best practices  
65 14 including but not limited to training programs related to  
65 15 instruction to increase students' phonemic awareness, reading  
65 16 abilities, and comprehension skills.

65 17 Sec. 99. Section 256D.4A, Code 2009, is amended to read as  
65 18 follows:

65 19 256D.4A PROGRAM REQUIREMENTS.

65 20 A school district shall maintain a separate listing within  
65 21 its budget for payments received and expenditures made  
65 22 pursuant to this ~~section~~ chapter. A school district shall  
65 23 certify to the department of education that moneys received  
65 24 under this ~~section~~ chapter were used to supplement, not  
65 25 supplant, moneys otherwise received and used by the school  
65 26 district.

65 27 Sec. 100. Section 257.11, subsection 3, paragraph b,  
65 28 unnumbered paragraph 1, Code 2009, is amended to read as  
65 29 follows:

65 30 If the school budget review committee certifies to the  
65 31 department of management that the class would not otherwise be  
65 32 implemented without the assignment of additional weighting,  
65 33 pupils attending a community college-offered class or  
65 34 attending a class taught by a community college-employed  
65 35 instructor are assigned a weighting of the percentage of the  
66 1 pupil's school day during which the pupil attends class in the  
66 2 community college or attends a class taught by a community  
66 3 college-employed instructor of ~~times~~ times seventy hundredths for  
66 4 career and technical courses ~~and or~~ and forty-six hundredths for  
66 5 liberal arts and sciences courses. The following requirements  
66 6 shall be met for the purposes of assigning an additional  
66 7 weighting for classes offered through a sharing agreement  
66 8 between a school district and community college. The class  
66 9 must be:

66 10 Sec. 101. Section 260C.14, subsection 22, paragraph a,  
66 11 subparagraphs (1), (3), and (5), Code 2009, are amended to  
66 12 read as follows:

66 13 (1) Total revenue received from each local school district  
66 14 as a result of high school students enrolled in community  
66 15 college courses under the postsecondary enrollment options ~~Act~~  
66 16 program.

66 17 (3) Unduplicated headcount of high school students  
66 18 enrolled in community college courses under the postsecondary  
66 19 enrollment options ~~Act~~ program.

66 20 (5) Total credits earned by high school students enrolled  
66 21 in community college courses under the postsecondary  
66 22 enrollment options ~~Act~~ program, broken down by  
66 23 vocational-technical or career program and arts and sciences  
66 24 program.

66 25 Sec. 102. Section 262.9, subsection 4, Code 2009, is  
66 26 amended to read as follows:

66 27 4. Manage and control the property, both real and  
66 28 personal, belonging to the institutions.

66 29 ~~4A. The board shall purchase~~ Purchase or require the  
66 30 purchase of, when the price is reasonably competitive and the  
66 31 quality as intended, soybean-based inks. All inks purchased  
66 32 that are used internally or are contracted for by the board  
66 33 shall be soybean-based to the extent formulations for such  
66 34 inks are available.

66 35 a. The department of natural resources shall review the  
67 1 procurement specifications currently used by the board to  
67 2 eliminate, wherever possible, discrimination against the  
67 3 procurement of products manufactured with soybean-based inks.

67 4 b. The department of natural resources shall assist the  
67 5 board in locating suppliers of recycled content products and

67 6 soybean-based inks and collecting data on recycled content and  
67 7 soybean-based ink purchases.

67 8 c. The board, in conjunction with the department of  
67 9 natural resources, shall adopt rules to carry out the  
67 10 provisions of this ~~section~~ subsection.

67 11 d. The department of natural resources shall cooperate  
67 12 with the board in all phases of implementing this ~~section~~  
67 13 subsection.

67 14 Sec. 103. Section 279.13, subsection 1, paragraph b,  
67 15 subparagraph (1), Code 2009, is amended to read as follows:

67 16 (1) Prior to entering into an initial contract with a  
67 17 teacher who holds a license other than an initial license  
67 18 issued by the board of educational examiners under chapter  
67 19 272, the school district shall initiate a state criminal  
67 20 history record check of the applicant through the division of  
67 21 criminal investigation of the department of public safety,  
67 22 submit the applicant's fingerprints to the division for  
67 23 submission to the federal bureau of investigation for a  
67 24 national criminal history record check, and review the sex  
67 25 offender registry information under section 692A.13, the  
67 26 central registry for child abuse information established under  
67 27 section 235A.14, and the central registry for dependent adult  
67 28 abuse information established under section 235B.5 for  
67 29 information regarding ~~applicants~~ the applicant for employment  
67 30 as a teacher.

67 31 Sec. 104. Section 282.18, Code 2009, is amended to read as  
67 32 follows:

67 33 282.18 OPEN ENROLLMENT.

67 34 1. a. It is the goal of the general assembly to permit a  
67 35 wide range of educational choices for children enrolled in  
68 1 schools in this state and to maximize ability to use those  
68 2 choices. It is therefore the intent that this section be  
68 3 construed broadly to maximize parental choice and access to  
68 4 educational opportunities which are not available to children  
68 5 because of where they live.

68 6 b. For the school year commencing July 1, 1989, and each  
68 7 succeeding school year, a parent or guardian residing in a  
68 8 school district may enroll the parent's or guardian's child in  
68 9 a public school in another school district in the manner  
68 10 provided in this section.

68 11 2. a. By March 1 of the preceding school year for  
68 12 students entering grades one through twelve, or by September 1  
68 13 of the current school year for students entering kindergarten,  
68 14 the parent or guardian shall send notification to the district  
68 15 of residence and the receiving district, on forms prescribed  
68 16 by the department of education, that the parent or guardian  
68 17 intends to enroll the parent's or guardian's child in a public  
68 18 school in another school district. If a parent or guardian  
68 19 fails to file a notification that the parent intends to enroll  
68 20 the parent's or guardian's child in a public school in another  
68 21 district by the deadline specified in this subsection, the  
68 22 procedures of subsection 4 apply.

68 23 b. The board of the receiving district shall enroll the  
68 24 pupil in a school in the receiving district for the following  
68 25 school year unless the receiving district does not have  
68 26 classroom space for the pupil. The board of directors of a  
68 27 receiving district may adopt a policy granting the  
68 28 superintendent of the school district authority to approve  
68 29 open enrollment applications. If the request is granted, the  
68 30 board shall transmit a copy of the form to the parent or  
68 31 guardian and the school district of residence within five days  
68 32 after board action, but not later than June 1 of the preceding  
68 33 school year. The parent or guardian may withdraw the request  
68 34 at any time prior to the start of the school year. A denial  
68 35 of a request by the board of a receiving district is not  
69 1 subject to appeal.

69 2 c. Every school district shall adopt a policy which  
69 3 defines the term "insufficient classroom space" for that  
69 4 district.

69 5 3. a. The superintendent of a district subject to a  
69 6 voluntary diversity or court-ordered desegregation plan, as  
69 7 recognized by rule of the state board of education, may deny a  
69 8 request for transfer under this section if the superintendent  
69 9 finds that enrollment or release of a pupil will adversely  
69 10 affect the district's implementation of the desegregation  
69 11 order or diversity plan, unless the transfer is requested by a  
69 12 pupil whose sibling is already participating in open  
69 13 enrollment to another district, or unless the request for  
69 14 transfer is submitted to the district in a timely manner as  
69 15 required under subsection 2 prior to the adoption of a  
69 16 desegregation plan by the district. If a transfer request

69 17 would facilitate a voluntary diversity or court-ordered  
69 18 desegregation plan, the district shall give priority to  
69 19 granting the request over other requests.  
69 20 b. A parent or guardian, whose request has been denied  
69 21 because of a desegregation order or diversity plan, may appeal  
69 22 the decision of the superintendent to the board of the  
69 23 district in which the request was denied. The board may  
69 24 either uphold or overturn the superintendent's decision. A  
69 25 decision of the board to uphold the denial of the request is  
69 26 subject to appeal to the district court in the county in which  
69 27 the primary business office of the district is located. The  
69 28 state board of education shall adopt rules establishing  
69 29 definitions, guidelines, and a review process for school  
69 30 districts that adopt voluntary diversity plans. The  
69 31 guidelines shall include criteria and standards that school  
69 32 districts must follow when developing a voluntary diversity  
69 33 plan. The department of education shall provide technical  
69 34 assistance to a school district that is seeking to adopt a  
69 35 voluntary diversity plan. A school district implementing a  
70 1 voluntary diversity plan prior to July 1, 2008, shall have  
70 2 until July 1, 2009, to comply with guidelines adopted by the  
70 3 state board pursuant to this section.

70 4 c. The board of directors of a school district subject to  
70 5 voluntary diversity or court-ordered desegregation shall  
70 6 develop a policy for implementation of open enrollment in the  
70 7 district. The policy shall contain objective criteria for  
70 8 determining when a request would adversely impact the  
70 9 desegregation order or voluntary diversity plan and criteria  
70 10 for prioritizing requests that do not have an adverse impact  
70 11 on the order or plan.

70 12 4. a. After March 1 of the preceding school year and  
70 13 until the date specified in section 257.6, subsection 1, the  
70 14 parent or guardian shall send notification to the district of  
70 15 residence and the receiving district, on forms prescribed by  
70 16 the department of education, that good cause, as defined in  
70 17 paragraph "b", exists for failure to meet the March 1  
70 18 deadline. The board of directors of a receiving school  
70 19 district may adopt a policy granting the superintendent of the  
70 20 school district authority to approve open enrollment  
70 21 applications submitted after the March 1 deadline. The board  
70 22 of the receiving district shall take action to approve the  
70 23 request if good cause exists. If the request is granted, the  
70 24 board shall transmit a copy of the form to the parent or  
70 25 guardian and the school district of residence within five days  
70 26 after board action. A denial of a request by the board of a  
70 27 receiving district is not subject to appeal.

70 28 b. For purposes of this section, "good cause" means a  
70 29 change in a child's residence due to a change in family  
70 30 residence, a change in the state in which the family residence  
70 31 is located, a change in a child's parents' marital status, a  
70 32 guardianship or custody proceeding, placement in foster care,  
70 33 adoption, participation in a foreign exchange program, or  
70 34 participation in a substance abuse or mental health treatment  
70 35 program, a change in the status of a child's resident district  
71 1 such as removal of accreditation by the state board, surrender  
71 2 of accreditation, or permanent closure of a nonpublic school,  
71 3 revocation of a charter school contract as provided in section  
71 4 256F.8, the failure of negotiations for a whole grade sharing,  
71 5 reorganization, dissolution agreement or the rejection of a  
71 6 current whole grade sharing agreement, or reorganization plan.  
71 7 If the good cause relates to a change in status of a child's  
71 8 school district of residence, however, action by a parent or  
71 9 guardian must be taken to file the notification within  
71 10 forty-five days of the last board action or within thirty days  
71 11 of the certification of the election, whichever is applicable  
71 12 to the circumstances.

71 13 c. If a resident district believes that a receiving  
71 14 district is violating this subsection, the resident district  
71 15 may, within fifteen days after board action by the receiving  
71 16 district, submit an appeal to the director of the department  
71 17 of education.

71 18 d. The director, or the director's designee, shall attempt  
71 19 to mediate the dispute to reach approval by both boards as  
71 20 provided in subsection ~~16~~ 14. If approval is not reached  
71 21 under mediation, the director or the director's designee shall  
71 22 conduct a hearing and shall hear testimony from both boards.  
71 23 Within ten days following the hearing, the director shall  
71 24 render a decision upholding or reversing the decision by the  
71 25 board of the receiving district. Within five days of the  
71 26 director's decision, the board may appeal the decision of the  
71 27 director to the state board of education under the procedures

71 28 set forth in chapter 290.

71 29 5. Open enrollment applications filed after March 1 of the  
71 30 preceding school year that do not qualify for good cause as  
71 31 provided in subsection 4 shall be subject to the approval of  
71 32 the board of the resident district and the board of the  
71 33 receiving district. The parent or guardian shall send  
71 34 notification to the district of residence and the receiving  
71 35 district that the parent or guardian seeks to enroll the  
72 1 parent's or guardian's child in the receiving district. A  
72 2 decision of either board to deny an application filed under  
72 3 this subsection involving repeated acts of harassment of the  
72 4 student or serious health condition of the student that the  
72 5 resident district cannot adequately address is subject to  
72 6 appeal under section 290.1. The state board shall exercise  
72 7 broad discretion to achieve just and equitable results that  
72 8 are in the best interest of the affected child or children.

72 9 6. A request under this section is for a period of not  
72 10 less than one year. If the request is for more than one year  
72 11 and the parent or guardian desires to have the pupil enroll in  
72 12 a different district, the parent or guardian may petition the  
72 13 current receiving district by March 1 of the previous school  
72 14 year for permission to enroll the pupil in a different  
72 15 district for a period of not less than one year. Upon receipt  
72 16 of such a request, the current receiving district board may  
72 17 act on the request to transfer to the other school district at  
72 18 the next regularly scheduled board meeting after the receipt  
72 19 of the request. The new receiving district shall enroll the  
72 20 pupil in a school in the district unless there is insufficient  
72 21 classroom space in the district or unless enrollment of the  
72 22 pupil would adversely affect the court-ordered or voluntary  
72 23 desegregation plan of the district. A denial of a request to  
72 24 change district enrollment within the approved period is not  
72 25 subject to appeal. However, a pupil who has been in  
72 26 attendance in another district under this section may return  
72 27 to the district of residence and enroll at any time, once the  
72 28 parent or guardian has notified the district of residence and  
72 29 the receiving district in writing of the decision to enroll  
72 30 the pupil in the district of residence.

72 31 7. A pupil participating in open enrollment shall be  
72 32 counted, for state school foundation aid purposes, in the  
72 33 pupil's district of residence. A pupil's residence, for  
72 34 purposes of this section, means a residence under section  
72 35 282.1. The board of directors of the district of residence  
73 1 shall pay to the receiving district the state cost per pupil  
73 2 for the previous school year, plus any moneys received for the  
73 3 pupil as a result of the non-English speaking weighting under  
73 4 section 280.4, subsection 3, for the previous school year  
73 5 multiplied by the state cost per pupil for the previous year.  
73 6 If the pupil participating in open enrollment is also an  
73 7 eligible pupil under section 261E.6, the receiving district  
73 8 shall pay the tuition reimbursement amount to an eligible  
73 9 postsecondary institution as provided in section 261E.7.

73 10 8. If a request filed under this section is for a child  
73 11 requiring special education under chapter 256B, the request to  
73 12 transfer to the other district shall only be granted if the  
73 13 receiving district maintains a special education instructional  
73 14 program which is appropriate to meet the child's educational  
73 15 needs and the enrollment of the child in the receiving  
73 16 district's program would not cause the size of the class in  
73 17 that special education instructional program in the receiving  
73 18 district to exceed the maximum class size in rules adopted by  
73 19 the state board of education for that program. For children  
73 20 requiring special education, the board of directors of the  
73 21 district of residence shall pay to the receiving district the  
73 22 actual costs incurred in providing the appropriate special  
73 23 education.

73 24 9. a. If a parent or guardian of a child, who is  
73 25 participating in open enrollment under this section, moves to  
73 26 a different school district during the course of either  
73 27 district's academic year, the child's first district of  
73 28 residence shall be responsible for payment of the cost per  
73 29 pupil plus weightings or special education costs to the  
73 30 receiving school district for the balance of the school year  
73 31 in which the move took place. The new district of residence  
73 32 shall be responsible for the payments during succeeding years.

73 33 b. If a request to transfer is due to a change in family  
73 34 residence, change in the state in which the family residence  
73 35 is located, a change in a child's parents' marital status, a  
74 1 guardianship proceeding, placement in foster care, adoption,  
74 2 participation in a foreign exchange program, or participation  
74 3 in a substance abuse or mental health treatment program, and

74 4 the child who is the subject of the request is enrolled in any  
74 5 grade from kindergarten through grade twelve at the time of  
74 6 the request and is not currently using any provision of open  
74 7 enrollment, the parent or guardian of the child shall have the  
74 8 option to have the child remain in the child's original  
74 9 district of residence under open enrollment with no  
74 10 interruption in the child's kindergarten through grade twelve  
74 11 educational program. If a parent or guardian exercises this  
74 12 option, the child's new district of residence is not required  
74 13 to pay the amount calculated in subsection 7 until the start  
74 14 of the first full year of enrollment of the child.

74 15 c. Quarterly payments shall be made to the receiving  
74 16 district.

74 17 d. If the transfer of a pupil from one district to another  
74 18 results in a transfer from one area education agency to  
74 19 another, the sending district shall forward a copy of the  
74 20 request to the sending district's area education agency. The  
74 21 receiving district shall forward a copy of the request to the  
74 22 receiving district's area education agency. Any moneys  
74 23 received by the area education agency of the sending district  
74 24 for the pupil who is the subject of the request shall be  
74 25 forwarded to the receiving district's area education agency.

74 26 e. A district of residence may apply to the school budget  
74 27 review committee if a student was not included in the resident  
74 28 district's enrollment count during the fall of the year  
74 29 preceding the student's transfer under open enrollment.

74 30 10. Notwithstanding section 285.1 relating to  
74 31 transportation of nonresident pupils, the parent or guardian  
74 32 is responsible for transporting the pupil without  
74 33 reimbursement to and from a point on a regular school bus  
74 34 route of the receiving district. However, a receiving  
74 35 district may send school vehicles into the district of  
75 1 residence of the pupil using the open enrollment option under  
75 2 this section, for the purpose of transporting the pupil to and  
75 3 from school in the receiving district, if the boards of both  
75 4 the sending and receiving districts agree to this arrangement.  
75 5 If the pupil meets the economic eligibility requirements  
75 6 established by the department and state board of education,  
75 7 the sending district is responsible for providing  
75 8 transportation or paying the pro rata cost of the  
75 9 transportation to a parent or guardian for transporting the  
75 10 pupil to and from a point on a regular school bus route of a  
75 11 contiguous receiving district unless the cost of providing  
75 12 transportation or the pro rata cost of the transportation to a  
75 13 parent or guardian exceeds the average transportation cost per  
75 14 pupil transported for the previous school year in the  
75 15 district. If the cost exceeds the average transportation cost  
75 16 per pupil transported for the previous school year, the  
75 17 sending district shall only be responsible for that average  
75 18 per pupil amount. A sending district which provides  
75 19 transportation for a pupil to a contiguous receiving district  
75 20 under this subsection may withhold from the district cost per  
75 21 pupil amount, that is to be paid to the receiving district, an  
75 22 amount which represents the average or pro rata cost per pupil  
75 23 for transportation, whichever is less.

~~75 24 11. Every school district shall adopt a policy which  
75 25 defines the term "insufficient classroom space" for that  
75 26 district.~~

~~75 27 12. The board of directors of a school district subject to  
75 28 voluntary or court-ordered desegregation shall develop a  
75 29 policy for implementation of open enrollment in the district.  
75 30 The policy shall contain objective criteria for determining  
75 31 when a request would adversely impact the desegregation order  
75 32 or plan and criteria for prioritizing requests that do not  
75 33 have an adverse impact on the order or plan.~~

75 34 ~~13.~~ 11. A pupil who participates in open enrollment for  
75 35 purposes of attending a grade in grades nine through twelve in  
76 1 a school district other than the district of residence is  
76 2 ineligible to participate in varsity interscholastic athletic  
76 3 contests and athletic competitions during the pupil's first  
76 4 ninety school days of enrollment in the district except that  
76 5 the pupil may participate immediately in a varsity  
76 6 interscholastic sport if the pupil is entering grade nine for  
76 7 the first time and did not participate in an interscholastic  
76 8 athletic competition for another school or school district  
76 9 during the summer immediately following eighth grade, if the  
76 10 district of residence and the other school district jointly  
76 11 participate in the sport, if the sport in which the pupil  
76 12 wishes to participate is not offered in the district of  
76 13 residence, if the pupil chooses to use open enrollment to  
76 14 attend school in another school district because the district

76 15 in which the student previously attended school was dissolved  
76 16 and merged with one or more contiguous school districts under  
76 17 section 256.11, subsection 12, if the pupil participates in  
76 18 open enrollment because the pupil's district of residence has  
76 19 entered into a whole grade sharing agreement with another  
76 20 district for the pupil's grade, or if the parent or guardian  
76 21 of the pupil participating in open enrollment is an active  
76 22 member of the armed forces and resides in permanent housing on  
76 23 government property provided by a branch of the armed  
76 24 services. A pupil who has paid tuition and attended school,  
76 25 or has attended school pursuant to a mutual agreement between  
76 26 the two districts, in a district other than the pupil's  
76 27 district of residence for at least one school year is also  
76 28 eligible to participate immediately in interscholastic  
76 29 athletic contests and athletic competitions under this  
76 30 section, but only as a member of a team from the district that  
76 31 pupil had attended. For purposes of this subsection, "school  
76 32 days of enrollment" does not include enrollment in summer  
76 33 school. For purposes of this subsection, "varsity" means the  
76 34 same as defined in section 256.46.

76 35 ~~14-~~ 12. If a pupil, for whom a request to transfer has  
77 1 been filed with a district, has been suspended or expelled in  
77 2 the district, the pupil shall not be permitted to transfer  
77 3 until the pupil has been reinstated in the sending district.  
77 4 Once the pupil has been reinstated, however, the pupil shall  
77 5 be permitted to transfer in the same manner as if the pupil  
77 6 had not been suspended or expelled by the sending district.  
77 7 If a pupil, for whom a request to transfer has been filed with  
77 8 a district, is expelled in the district, the pupil shall be  
77 9 permitted to transfer to a receiving district under this  
77 10 section if the pupil applies for and is reinstated in the  
77 11 sending district. However, if the pupil applies for  
77 12 reinstatement but is not reinstated in the sending district,  
77 13 the receiving district may deny the request to transfer. The  
77 14 decision of the receiving district is not subject to appeal.

77 15 ~~15-~~ 13. If a request under this section is for transfer  
77 16 to a laboratory school, as described in chapter 265, the  
77 17 student, who is the subject of the request, shall not be  
77 18 included in the basic enrollment of the student's district of  
77 19 residence, and the laboratory school shall report the  
77 20 enrollment of the student directly to the department of  
77 21 education, unless the number of students from the district  
77 22 attending the laboratory school during the current school  
77 23 year, as a result of open enrollment under this section,  
77 24 exceeds the number of students enrolled in the laboratory  
77 25 school from that district during the 1989=1990 school year.  
77 26 If the number of students enrolled in the laboratory school  
77 27 from a district during the current year exceeds the number of  
77 28 students enrolled from that district during the 1989=1990  
77 29 school year, those students who represent the difference  
77 30 between the current and the 1988=1989 school year enrollment  
77 31 figures shall be included in the basic enrollment of the  
77 32 students' districts of residence and the districts shall  
77 33 retain any moneys received as a result of the inclusion of the  
77 34 student in the district enrollment. The total number of  
77 35 students enrolled at a laboratory school during a school year  
78 1 shall not exceed six hundred seventy students. The regents  
78 2 institution operating the laboratory school and the board of  
78 3 directors of the school district in the community in which the  
78 4 regents institution is located shall develop a student  
78 5 transfer policy designed to protect and promote the quality  
78 6 and integrity of the teacher education program at the  
78 7 laboratory school, the viability of the education program of  
78 8 the local school district in which the regents institution is  
78 9 located, and to indicate the order in which and reasons why  
78 10 requests to transfer to a laboratory school shall be  
78 11 considered. A laboratory school may deny a request for  
78 12 transfer under the policy. A denial of a request to transfer  
78 13 under this paragraph is not subject to appeal under section  
78 14 290.1.

78 15 ~~16-~~ 14. An application for open enrollment may be granted  
78 16 at any time with approval of the resident and receiving  
78 17 districts.

78 18 ~~17-~~ 15. The director of the department of education shall  
78 19 recommend rules to the state board of education for the  
78 20 orderly implementation of this section. The state board shall  
78 21 adopt rules as needed for the implementation of this section.

78 22 Sec. 105. Section 282.26, Code 2009, is amended to read as  
78 23 follows:

78 24 282.26 HIGH SCHOOL STUDENTS ATTENDING ADVANCED COURSES.

78 25 1. The board of any community college may, by mutual

78 26 agreement with any college or university, permit any specially  
78 27 qualified high school student to attend advanced courses of  
78 28 academic instruction at the college or university.

78 29 2. The state board of regents and the state board of  
78 30 education may by rule permit such students to attend any  
78 31 institution of higher learning under their jurisdiction.  
78 32 Credit earned in any such course at a college or university  
78 33 may be applied toward credit for high school graduation.  
78 34 Public school funds shall not be expended for payment of  
78 35 tuition or other costs for such attendance at a college or  
79 1 university, unless the payment is expressly permitted or  
79 2 required by law.

79 3 ~~3. The foregoing provisions Subsections 1 and 2 shall also~~  
79 4 apply to colleges and universities in adjacent states when the  
79 5 institutions are located nearer to the homes or schools of the  
79 6 school district than the closest college or university within  
79 7 the state.

79 8 Sec. 106. Section 294A.9, subsection 9, Code 2009, is  
79 9 amended to read as follows:

79 10 9. Subsections 2, 3, 4, and 7, and this subsection are  
79 11 repealed June 30, 2009.

79 12 Sec. 107. Section 294A.25, subsection 2, Code 2009, is  
79 13 amended to read as follows:

79 14 2. For the fiscal year beginning July 1, 2009, and for  
79 15 each succeeding fiscal year, there is appropriated from the  
79 16 general fund of the state to the department of education an  
79 17 amount not to exceed fifteen million six hundred thirty-three  
79 18 thousand two hundred forty-five dollars. The moneys shall be  
79 19 distributed as provided in this section.

79 20 Sec. 108. Section 297.10, Code 2009, is amended to read as  
79 21 follows:

79 22 297.10 COMPENSATION.

79 23 Any compensation for ~~such the use of a schoolhouse and~~  
79 24 ~~schoolhouse grounds~~ shall be paid into the general fund and be  
79 25 expended in the upkeep and repair of ~~such school property,~~ and  
79 26 in purchasing supplies ~~therefor for that school property.~~

79 27 Sec. 109. Section 298.3, Code 2009, is amended to read as  
79 28 follows:

79 29 298.3 REVENUES FROM THE LEVIES.

79 30 1. The revenue from the regular and voter-approved  
79 31 physical plant and equipment levies shall be placed in the  
79 32 physical plant and equipment levy fund and expended only for  
79 33 the following purposes:

79 34 ~~1- a.~~ The purchase and improvement of grounds. For the  
79 35 purpose of this ~~subsection paragraph:~~

80 1 ~~a- (1)~~ "Purchase of grounds" includes the legal costs  
80 2 relating to the property acquisition, costs of surveys of the  
80 3 property, costs of relocation assistance under state and  
80 4 federal law, and other costs incidental to the property  
80 5 acquisition.

80 6 ~~b- (2)~~ "Improvement of grounds" includes grading,  
80 7 landscaping, paving, seeding, and planting of shrubs and  
80 8 trees; constructing sidewalks, roadways, retaining walls,  
80 9 sewers and storm drains, and installing hydrants; surfacing  
80 10 and soil treatment of athletic fields and tennis courts;  
80 11 exterior lighting, including athletic fields and tennis  
80 12 courts; furnishing and installing flagpoles, gateways, fences,  
80 13 and underground storage tanks which are not parts of building  
80 14 service systems; demolition work; and special assessments  
80 15 against the school district for public improvements, as  
80 16 defined in section 384.37.

80 17 ~~2- b.~~ The construction of schoolhouses or buildings and  
80 18 opening roads to schoolhouses or buildings.

80 19 ~~3- c.~~ The purchase, lease, or lease-purchase of a single  
80 20 unit of equipment or technology exceeding five hundred dollars  
80 21 in value per unit.

80 22 ~~4- d.~~ The payment of debts contracted for the erection or  
80 23 construction of schoolhouses or buildings, not including  
80 24 interest on bonds.

80 25 ~~5- e.~~ Procuring or acquisition of library facilities.

80 26 ~~6- f.~~ Repairing, remodeling, reconstructing, improving,  
80 27 or expanding the schoolhouses or buildings and additions to  
80 28 existing schoolhouses. For the purpose of this paragraph:

80 29 (1) For the purpose of this subsection, "repairing"  
80 30 "Repairing" means restoring an existing structure or thing to  
80 31 its original condition, as near as may be, after decay, waste,  
80 32 injury, or partial destruction, but does not include  
80 33 maintenance ~~and "reconstructing".~~

80 34 (2) "Reconstructing" means rebuilding or restoring as an  
80 35 entity a thing which was lost or destroyed.

81 1 ~~7- g.~~ Expenditures for energy conservation, including

81 2 payments made pursuant to a guarantee furnished by a school  
81 3 district entering into a financing agreement for energy  
81 4 ~~conservation measures~~ management improvements, limited to  
81 5 agreements pursuant to section 473.19, 473.20, or 473.20A.  
81 6 ~~8- h.~~ The rental of facilities under chapter 28E.  
81 7 ~~9- i.~~ Purchase of transportation equipment for  
81 8 transporting students.  
81 9 ~~10- j.~~ The purchase of buildings or lease-purchase option  
81 10 agreements for school buildings.  
81 11 ~~11- k.~~ Equipment purchases for recreational purposes.  
81 12 ~~12- l.~~ Payments to a municipality or other entity as  
81 13 required under section 403.19, subsection 2.  
81 14 2. Interest earned on money in the physical plant and  
81 15 equipment levy fund may be expended for a purpose listed in  
81 16 this section.  
81 17 3. Unencumbered funds collected prior to July 1, 1991,  
81 18 from the levy previously authorized under section 297.5, Code  
81 19 1991, may be expended for the purposes listed in this section.  
81 20 4. Revenue from the regular and voter-approved physical  
81 21 plant and equipment levies shall not be expended for school  
81 22 district employee salaries or travel expenses, supplies,  
81 23 printing costs or media services, or for any other purpose not  
81 24 expressly authorized in this section.  
81 25 Sec. 110. Section 298.18, Code 2009, is amended to read as  
81 26 follows:  
81 27 298.18 BOND TAX == ELECTION == LEASING BUILDINGS.  
81 28 1. a. The board of each school corporation shall, when  
81 29 estimating and certifying the amount of money required for  
81 30 general purposes, estimate and certify to the board of  
81 31 supervisors of the proper county for the debt service fund the  
81 32 amount required to pay interest due or that may become due for  
81 33 the fiscal year beginning July 1, thereafter upon lawful  
81 34 bonded indebtedness, and in addition thereto such amount as  
81 35 the board may deem necessary to apply on the principal.  
82 1 b. The amount estimated and certified to apply on  
82 2 principal and interest for any one year shall not exceed two  
82 3 dollars and seventy cents per thousand dollars of the assessed  
82 4 valuation of the taxable property of the school corporation  
82 5 except as ~~hereinafter otherwise provided in this section.~~  
82 6 c. For the sole purpose of computing the amount of bonds  
82 7 which may be issued as a result of the application of any  
82 8 limitation referred to in this section, all interest on the  
82 9 bonds in excess of that accruing in the first twelve months  
82 10 may be excluded from the first annual levy of taxes, so that  
82 11 the need for including more than one year's interest in the  
82 12 first annual levy of taxes to pay the bonds and interest shall  
82 13 not operate to further restrict the amount of bonds which may  
82 14 be issued, and in certifying the annual levies to the county  
82 15 auditor or auditors such first annual levy of taxes shall be  
82 16 sufficient to pay all principal of and interest on said bonds  
82 17 becoming due prior to the next succeeding annual levy and the  
82 18 full amount of such first annual levy shall be entered for  
82 19 collection by said auditor or auditors, as provided in chapter  
82 20 76.  
82 21 d. The amount estimated and certified to apply on  
82 22 principal and interest for any one year may exceed two dollars  
82 23 and seventy cents per thousand dollars of assessed value by  
82 24 the amount approved by the voters of the school corporation,  
82 25 but not exceeding four dollars and five cents per thousand of  
82 26 the assessed value of the taxable property within any school  
82 27 corporation, provided that the registered voters of such  
82 28 school corporation have first approved such increased amount  
82 29 at an election held on a date specified in section 39.2,  
82 30 subsection 4, paragraph "c".  
82 31 2. The proposition submitted to the voters at such  
82 32 election shall be in substantially the following form:  
82 33 Shall the board of directors of the ..... (insert name of  
82 34 school corporation) in the County of ....., State of Iowa, be  
82 35 authorized to levy annually a tax exceeding two dollars and  
83 1 seventy cents per thousand dollars, but not exceeding ..  
83 2 dollars and ... cents per thousand dollars of the assessed  
83 3 value of the taxable property within said school corporation  
83 4 to pay the principal of and interest on bonded indebtedness of  
83 5 said school corporation, it being understood that the approval  
83 6 of this proposition shall not limit the source of payment of  
83 7 the bonds and interest but shall only operate to restrict the  
83 8 amount of bonds which may be issued?  
83 9 3. Notice of the election shall be given by the county  
83 10 commissioner of elections according to section 49.53. The  
83 11 county commissioner of elections shall conduct the election  
83 12 pursuant to the provisions of chapters 39 through 53 and

83 13 certify the results to the board of directors. The  
83 14 proposition shall not be deemed carried or adopted unless the  
83 15 vote in favor of such proposition is equal to at least sixty  
83 16 percent of the total vote cast for and against the proposition  
83 17 at the election. Whenever such a proposition has been  
83 18 approved by the voters of a school corporation as hereinbefore  
83 19 provided, no further approval of the voters of such school  
83 20 corporation shall be required as a result of any subsequent  
83 21 change in the boundaries of such school corporation.

83 22 4. The voted tax levy referred to ~~herein in this section~~  
83 23 shall not limit the source of payment of bonds and interest  
83 24 but shall only restrict the amount of bonds which may be  
83 25 issued.

83 26 5. a. The ability of a school corporation to exceed two  
83 27 dollars and seventy cents per thousand dollars of assessed  
83 28 value to service principal and interest payments on bonded  
83 29 indebtedness is limited and conferred only to those school  
83 30 corporations engaged in the administration of elementary and  
83 31 secondary education.

83 32 ~~b. Provided further that if~~ b. If a school corporation leases  
83 33 a building or property, which has been used as a junior  
83 34 college by such corporation, to a community college, the  
83 35 annual amounts certified as herein provided by such leasing  
84 1 school corporation for payment of interest and principal due  
84 2 on lawful bonded indebtedness incurred by such leasing school  
84 3 corporation for purchasing, building, furnishing,  
84 4 reconstructing, repairing, improving or remodeling the  
84 5 building leased or acquiring or adding to the site of such  
84 6 property leased, to the extent of the respective annual rent  
84 7 the school corporation will receive under such lease, shall  
84 8 not be considered as a part of the total amount estimated and  
84 9 certified for the purposes of determining if such amount  
84 10 exceeds any limitation contained in this section.

84 11 Sec. 111. Section 306C.10, Code 2009, is amended by adding  
84 12 the following new subsection:

84 13 NEW SUBSECTION. 17A. "Specific information of interest to  
84 14 the traveling public" means only information about public  
84 15 places for camping, lodging, eating, and motor fuel and  
84 16 associated services, including trade names which have  
84 17 telephone facilities available when the public place is open  
84 18 for business and businesses engaged in selling motor fuel  
84 19 which have free air for tire inflation and restroom facilities  
84 20 available when the public place is open for business.

84 21 Sec. 112. Section 306C.11, subsection 5, Code 2009, is  
84 22 amended to read as follows:

84 23 5. a. Signs, displays, and devices giving specific  
84 24 information of interest to the traveling public, shall be  
84 25 erected by the department and maintained within the  
84 26 right-of-way in the areas, and at appropriate distances from  
84 27 interchanges on the interstate system and freeway primary  
84 28 highways as shall conform with the rules adopted by the  
84 29 department. The rules shall be consistent with national  
84 30 standards promulgated from time to time or as permitted by the  
84 31 appropriate authority of the federal government pursuant to 23  
84 32 U.S.C. } 131(f) except as provided in this section. The rules  
84 33 shall include but are not limited to the following:

- 84 34 ~~a-~~ (1) Criteria for eligibility for signing.  
84 35 ~~b-~~ (2) Criteria for limiting or excluding businesses that  
85 1 maintain advertising devices that do not conform to the  
85 2 requirements of chapter 306B, this division, or other statutes  
85 3 or administrative rules regulating outdoor advertising.  
85 4 ~~c-~~ (3) Provisions for a fee schedule to cover the direct  
85 5 and indirect costs of sign erection and maintenance and  
85 6 related administrative costs.  
85 7 ~~d-~~ (4) Provisions for specifying the maximum distance to  
85 8 eligible businesses.  
85 9 ~~e-~~ (5) Provisions specifying the maximum number of signs  
85 10 permitted per panel and per interchange.  
85 11 ~~f-~~ (6) Provisions for determining what businesses are  
85 12 signed when there are more applicants than the maximum number  
85 13 of signs permitted.  
85 14 ~~g-~~ (7) Provisions for removing signs when businesses  
85 15 cease to meet minimum requirements for participation and  
85 16 related costs.

~~85 17 For purposes of this division, "specific information of  
85 18 interest to the traveling public" means only information about  
85 19 public places for camping, lodging, eating, and motor fuel and  
85 20 associated services, including trade names which have  
85 21 telephone facilities available when the public place is open  
85 22 for business and businesses engaged in selling motor fuel  
85 23 which have free air for tire inflation and restroom facilities~~

~~85 24 available when the public place is open for business.~~

85 25 b. Business signs supplied to the department by commercial  
85 26 vendors shall be on panels, with dimensional and material  
85 27 specifications established by the department. A business sign  
85 28 included under the provisions of this section shall not be  
85 29 posted unless it is in compliance with these specifications.  
85 30 The commercial vendor shall pay to the department a fee based  
85 31 upon the schedule adopted under this subsection for each  
85 32 business sign supplied for posting. Upon furnishing the  
85 33 business signs to the department and payment of all fees, the  
85 34 department shall post the business signs on eligible specific  
85 35 information panels. Faded signs shall be replaced and the  
86 1 commercial vendor charged for the cost of replacement based  
86 2 upon the fee schedule adopted. There is created in the office  
86 3 of the treasurer of state a fund to be known as the "highway  
86 4 beautification fund" and all funds received for the posting on  
86 5 specific information panels shall be deposited in the "highway  
86 6 beautification fund". Information on motor fuel and  
86 7 associated services may include vehicle service and repair  
86 8 where the same is available.

86 9 Sec. 113. Section 307.21, Code 2009, is amended to read as  
86 10 follows:

86 11 307.21 ADMINISTRATIVE SERVICES.

86 12 1. The department's administrator of administrative  
86 13 services shall:

86 14 ~~1-~~ a. Provide for the proper maintenance and protection  
86 15 of the grounds, buildings, and equipment of the department, in  
86 16 cooperation with the department of administrative services.

86 17 ~~2-~~ b. Establish, supervise, and maintain a system of  
86 18 centralized electronic data processing for the department, in  
86 19 cooperation with the department of administrative services.

86 20 ~~3-~~ c. Assist the director in preparing the departmental  
86 21 budget.

86 22 ~~4-a-~~ d. Provide centralized purchasing services for the  
86 23 department, in cooperation with the department of  
86 24 administrative services. The administrator shall, when the  
86 25 price is reasonably competitive and the quality as intended,  
86 26 purchase soybean-based inks and plastic products with recycled  
86 27 content, including but not limited to plastic garbage can  
86 28 liners, and shall purchase these items in accordance with the  
86 29 schedule established in section 8A.315. However, the  
86 30 administrator need not purchase garbage can liners in  
86 31 accordance with the schedule if the liners are utilized by a  
86 32 facility approved by the environmental protection commission  
86 33 created under section 455A.6, for purposes of recycling. For  
86 34 purposes of this ~~subsection~~ section, "recycled content" means  
86 35 that the content of the product contains a minimum of thirty  
87 1 percent postconsumer material.

87 2 e. Assist the director in employing the professional,  
87 3 technical, clerical, and secretarial staff for the department  
87 4 and maintain employee records, in cooperation with the  
87 5 department of administrative services and provide personnel  
87 6 services, including but not limited to training, safety  
87 7 education, and employee counseling.

87 8 f. Assist the director in coordinating the  
87 9 responsibilities and duties of the various divisions within  
87 10 the department.

87 11 g. Carry out all other general administrative duties for  
87 12 the department.

87 13 h. Perform such other duties and responsibilities as may  
87 14 be assigned by the director.

87 15 ~~b-~~ 2. The When performing the duty of providing  
87 16 centralized purchasing services under subsection 1, the  
87 17 administrator shall do all of the following:

87 18 ~~(1)~~ a. Purchase and use recycled printing and writing  
87 19 paper in accordance with the schedule established in section  
87 20 8A.315.

87 21 ~~(2)~~ b. Establish a wastepaper recycling program in  
87 22 accordance with recommendations made by the department of  
87 23 natural resources and the requirements of section 8A.329.

87 24 ~~(3)~~ c. Require in accordance with section 8A.311 product  
87 25 content statements and compliance with requirements regarding  
87 26 procurement specifications.

87 27 ~~(4)~~ d. Comply with the requirements for the purchase of  
87 28 lubricating oils, industrial oils, greases, and hydraulic  
87 29 fluids as established pursuant to section 8A.316.

87 30 ~~(5)~~ e. Give preference to purchasing designated biobased  
87 31 products in the same manner as provided in section 8A.317.

87 32 ~~c-~~ 3. The department shall report to the general assembly  
87 33 by February 1 of each year, the following:

87 34 ~~(1)~~ a. A listing of plastic products which are regularly

87 35 purchased by the board for which recycled content product  
88 1 alternatives are available, including the cost of the plastic  
88 2 products purchased and the cost of the recycled content  
88 3 product alternatives.  
88 4 ~~(2)~~ b. Information relating to soybean-based inks and  
88 5 plastic garbage can liners with recycled content regularly  
88 6 purchased by the department, including the cost of purchasing  
88 7 soybean-based inks and plastic garbage can liners with  
88 8 recycled content and the percentages of soybean-based inks and  
88 9 plastic garbage can liners with recycled content that have  
88 10 been purchased.

88 11 ~~d~~ 4. A gasoline-powered vehicle purchased by the  
88 12 administrator shall not operate on gasoline other than ethanol  
88 13 blended gasoline as defined in section 214A.1. A  
88 14 diesel-powered motor vehicle purchased by the administrator  
88 15 shall not operate on diesel fuel other than biodiesel fuel as  
88 16 defined in section 214A.1, if commercially available. A  
88 17 state-issued credit card shall not be valid to purchase  
88 18 gasoline other than ethanol blended gasoline or to purchase  
88 19 diesel fuel other than biodiesel fuel, if commercially  
88 20 available. The motor vehicle shall also be affixed with a  
88 21 brightly visible sticker which notifies the traveling public  
88 22 that the motor vehicle is being operated on ethanol blended  
88 23 gasoline or biodiesel fuel, as applicable. However, the  
88 24 sticker is not required to be affixed to an unmarked vehicle  
88 25 used for purposes of providing law enforcement or security.

88 26 5. a. Of all new passenger vehicles and light pickup  
88 27 trucks purchased by the administrator, a minimum of ten  
88 28 percent of all such vehicles and trucks purchased shall be  
88 29 equipped with engines which utilize alternative methods of  
88 30 propulsion, including but not limited to any of the following:

88 31 (1) A flexible fuel which is any of the following:

88 32 (a) E=85 gasoline as provided in section 214A.2.

88 33 (b) B=20 biodiesel blended fuel as provided in section  
88 34 214A.2.

88 35 (c) A renewable fuel approved by the office of renewable  
89 1 fuels and coproducts pursuant to section 159A.3.

89 2 (2) Compressed or liquefied natural gas.

89 3 (3) Propane gas.

89 4 (4) Solar energy.

89 5 (5) Electricity.

89 6 b. The provisions of this subsection do not apply to  
89 7 vehicles and trucks purchased and directly used for law  
89 8 enforcement or off-road maintenance work.

89 9 6. The administrator shall, whenever technically feasible,  
89 10 purchase and use degradable loose foam packing material  
89 11 manufactured from grain starches or other renewable resources,  
89 12 unless the cost of the packing material is more than ten  
89 13 percent greater than the cost of packing material made from  
89 14 nonrenewable resources. For the purposes of this subsection,  
89 15 "packing material" means material, other than an exterior  
89 16 packing shell, that is used to stabilize, protect, cushion, or  
89 17 brace the contents of a package.

~~89 18 7. Assist the director in employing the professional,  
89 19 technical, clerical and secretarial staff for the department  
89 20 and maintain employee records, in cooperation with the  
89 21 department of administrative services and provide personnel  
89 22 services, including but not limited to training, safety  
89 23 education, and employee counseling.~~

~~89 24 8. Assist the director in coordinating the  
89 25 responsibilities and duties of the various divisions within  
89 26 the department.~~

~~89 27 9. Carry out all other general administrative duties for  
89 28 the department.~~

~~89 29 10. Perform such other duties and responsibilities as may  
89 30 be assigned by the director.~~

89 31 7. The administrator of administrative services may  
89 32 purchase items from the department of administrative services  
89 33 and may cooperate with the director of the department of  
89 34 administrative services by providing purchasing services for  
89 35 the department of administrative services.

90 1 Sec. 114. Section 312.2, Code 2009, is amended to read as  
90 2 follows:

90 3 312.2 ALLOCATIONS FROM FUND.

90 4 1. The treasurer of the state shall, on the first day of  
90 5 each month, credit all road use tax funds which have been  
90 6 received by the treasurer, to the primary road fund, the  
90 7 secondary road fund of the counties, the farm-to-market road  
90 8 fund, and the street construction fund of cities in the  
90 9 following manner and amounts:

90 10 ~~1-~~ a. To the primary road fund, forty-seven and one-half

90 11 percent.  
90 12 ~~2-~~ b. To the secondary road fund of the counties,  
90 13 twenty=~~four~~ and one-half percent.  
90 14 ~~3-~~ c. To the farm-to-market road fund, eight percent.  
90 15 ~~4-~~ d. To the street construction fund of the cities,  
90 16 twenty percent.  
90 17 ~~5-~~ 2. The treasurer of state shall before making the  
90 18 ~~above~~ allotments in subsection 1 credit annually to the  
90 19 highway grade crossing safety fund the sum of seven hundred  
90 20 thousand dollars, credit annually from the road use tax fund  
90 21 the sum of nine hundred thousand dollars to the highway  
90 22 railroad grade crossing surface repair fund, credit monthly to  
90 23 the primary road fund the dollars yielded from an allotment of  
90 24 sixty=~~five~~ hundredths of one percent of all road use tax funds  
90 25 for the express purpose of carrying out subsection 11 of  
90 26 section 307A.2, section 313.4, subsection 2, and section  
90 27 307.45, and credit annually to the primary road fund the sum  
90 28 of five hundred thousand dollars to be used for paying  
90 29 expenses incurred by the state department of transportation  
90 30 other than expenses incurred for extensions of primary roads  
90 31 in cities. All unobligated funds provided by this subsection,  
90 32 except those funds credited to the highway grade crossing  
90 33 safety fund, shall at the end of each year revert to the road  
90 34 use tax fund. Funds in the highway grade crossing safety fund  
90 35 shall not revert to the road use tax fund except to the extent  
91 1 they exceed five hundred thousand dollars at the end of any  
91 2 biennium. The cost of each highway railroad grade crossing  
91 3 repair project shall be allocated in the following manner:  
91 4 a. Twenty percent of the project cost shall be paid by the  
91 5 railroad company.  
91 6 b. Twenty percent of the project cost shall be paid by the  
91 7 highway authority having jurisdiction of the road crossing the  
91 8 railroad.  
91 9 c. Sixty percent of the project cost shall be paid from  
91 10 the highway railroad grade crossing surface repair fund.  
91 11 ~~6-~~ 3. The treasurer of state shall before making the  
91 12 allotments provided for in this section credit monthly to the  
91 13 state department of transportation funds sufficient in amount  
91 14 to pay the costs of purchasing certificate of title and  
91 15 registration forms, and supplies and materials and for the  
91 16 cost of prison labor used in manufacturing motor vehicle  
91 17 registration plates, decalcomania emblems, and validation  
91 18 stickers at the prison industries.  
91 19 ~~7-~~ 4. The treasurer of state, before making the  
91 20 allotments provided in this section, shall credit annually to  
91 21 the primary road fund from the road use tax fund the sum of  
91 22 seven million one hundred thousand dollars.  
91 23 ~~8-~~ 5. a. The treasurer of state, before making any  
91 24 allotments to counties under this section, shall reduce the  
91 25 allotment to a county for the secondary road fund by the  
91 26 amount by which the total funds that the county transferred or  
91 27 provided during the prior fiscal year under section 331.429,  
91 28 subsection 1, paragraphs "a", "b", "d", and "e", are less than  
91 29 seventy=~~five~~ percent of the sum of the following:  
91 30 ~~a-~~ (1) From the general fund of the county, the dollar  
91 31 equivalent of a tax of sixteen and seven=~~eighths~~ cents per  
91 32 thousand dollars of assessed value on all taxable property in  
91 33 the county.  
91 34 ~~b-~~ (2) From the rural services fund of the county, the  
91 35 dollar equivalent of a tax of three dollars and three=~~eighths~~  
92 1 of a cent per thousand dollars of assessed value on all  
92 2 taxable property not located within the corporate limits of a  
92 3 city in the county.  
92 4 b. Funds remaining in the secondary road fund of the  
92 5 counties due to a reduction of allocations to counties for  
92 6 failure to maintain a minimum local tax effort shall be  
92 7 reallocated to counties that are not reduced under this  
92 8 subsection pursuant to the allocation provisions of section  
92 9 312.3, subsection 1, based upon the needs and area of the  
92 10 county. Information necessary to make allocations under this  
92 11 subsection shall be provided by the state department of  
92 12 transportation or the director of the department of management  
92 13 upon request by the treasurer of state.  
92 14 ~~9-~~ 6. The treasurer of state, before making the  
92 15 allotments provided for in this section, shall credit annually  
92 16 to the living roadway trust fund created under section 314.21  
92 17 one hundred fifty thousand dollars from the road use tax fund.  
92 18 ~~10-~~ 7. The treasurer of state, before making the other  
92 19 allotments provided for in this section, shall credit annually  
92 20 to the primary road fund from the road use tax fund the sum of  
92 21 four million four hundred thousand dollars and to the

92 22 farm-to-market road fund from the road use tax fund the sum of  
92 23 one million five hundred thousand dollars for partial  
92 24 compensation of allowing trucks to operate on the roads of  
92 25 this state as provided in section 321.463.  
92 26 ~~11-~~ 8. The treasurer of state, before making the  
92 27 allotments provided for in this section, shall credit annually  
92 28 to the living roadway trust fund created under section 314.21  
92 29 one hundred thousand dollars from the road use tax fund.  
92 30 ~~12-~~ 9. The treasurer of state, before making the  
92 31 allotments provided for in this section, shall credit monthly  
92 32 from the road use tax fund to the revitalize Iowa's sound  
92 33 economy fund, created under section 315.2, the revenue  
92 34 accruing to the road use tax fund in the amount equal to the  
92 35 revenues collected under each of the following:  
93 1 a. From the excise tax on motor fuel and special fuel  
93 2 imposed under the tax rate of section 452A.3 except aviation  
93 3 gasoline, the amount of excise tax collected from one and  
93 4 three-fourths cents per gallon.  
93 5 b. From the excise tax on special fuel for diesel engines,  
93 6 the amount of excise tax collected from one and three-fourths  
93 7 cents per gallon.  
93 8 ~~13-~~ 10. The treasurer of state, before making the  
93 9 allotments provided for in this section, shall credit monthly  
93 10 from the road use tax fund to the secondary road fund the  
93 11 revenue accruing to the road use tax fund in the amount equal  
93 12 to the revenues collected under each of the following:  
93 13 a. From the excise tax on motor fuel and special fuel  
93 14 imposed under the tax rate of section 452A.3, except aviation  
93 15 gasoline, the amount of excise tax collected from one-fourth  
93 16 cent per gallon.  
93 17 b. From the excise tax on special fuel for diesel engines,  
93 18 the amount of excise tax collected from one-fourth cent per  
93 19 gallon.  
93 20 ~~14-~~ 11. The treasurer of state, before making the  
93 21 allotments provided for in this section, shall credit monthly  
93 22 from the road use tax fund to the state department of  
93 23 transportation for county, city, and state traffic safety  
93 24 improvement projects an amount equal to one-half of one  
93 25 percent of moneys credited to the road use tax fund.  
93 26 ~~15-~~ 12. a. The treasurer of state, before making the  
93 27 allotments provided for in this section, for the fiscal year  
93 28 beginning July 1, 1990, and each succeeding fiscal year, shall  
93 29 credit from the road use tax fund two million dollars to the  
93 30 county bridge construction fund, which is hereby created.  
93 31 Moneys credited to the county bridge construction fund shall  
93 32 be allocated to counties by the department for bridge  
93 33 construction, reconstruction, replacement, or realignment  
93 34 based on needs in accordance with rules adopted by the  
93 35 department.  
94 1 b. The treasurer of state, before making the allotments  
94 2 provided for in this section, for the fiscal year beginning  
94 3 July 1, 1990, and each succeeding fiscal year, shall credit  
94 4 from the road use tax fund five hundred thousand dollars to  
94 5 the city bridge construction fund, which is hereby created.  
94 6 Moneys credited to the city bridge construction fund shall be  
94 7 allocated to cities by the department for bridge construction  
94 8 and reconstruction based on needs in accordance with rules  
94 9 adopted by the department.  
94 10 ~~16-~~ 13. The treasurer of state, before making the  
94 11 allotments provided for in this section, shall credit annually  
94 12 from the road use tax fund to the state department of  
94 13 transportation the sum of six hundred fifty thousand dollars  
94 14 for the purpose of providing county treasurers with automation  
94 15 and telecommunications equipment and support for vehicle  
94 16 registration and titling and driver licensing.  
94 17 Notwithstanding section 8.33, unobligated funds credited under  
94 18 this subsection remaining on June 30 of the fiscal year shall  
94 19 not revert but shall remain available for expenditure for  
94 20 purposes of this subsection in subsequent fiscal years.  
94 21 ~~17-~~ 14. The treasurer of state, before making the  
94 22 allotments provided for in this section, shall credit monthly  
94 23 from the road use tax fund to the primary road fund an amount  
94 24 equal to ten percent of the revenues collected from the  
94 25 operation of section 321.105A, subsection 2, to be used for  
94 26 the commercial and industrial highway network.  
94 27 ~~18-~~ 15. a. The treasurer of state, before making the  
94 28 allotments provided for in this section, shall credit monthly  
94 29 to the TIME=21 fund created in section 312A.2, an amount equal  
94 30 to ten dollars from each fee for issuance of a certificate of  
94 31 title collected pursuant to sections 321.20; 321.20A; 321.23;  
94 32 321.42; 321.46, other than a title issued for a returned

94 33 vehicle under section 322G.12; section 321.47; and section  
94 34 321.109 and an amount equal to eight dollars from each fee  
94 35 collected for issuance of a certificate of title pursuant to  
95 1 section 321.46 for a returned vehicle under section 322G.12  
95 2 and from each fee collected for issuance of a salvage  
95 3 certificate of title pursuant to section 321.52.  
95 4 b. This subsection is repealed June 30, 2028.  
95 5 ~~19- 16.~~ a. The treasurer of state, before making the  
95 6 allotments provided for in this section, shall credit monthly  
95 7 to the TIME=21 fund created in section 312A.2 an amount equal  
95 8 to ten dollars from each trailer registration fee collected  
95 9 pursuant to section 321.123, subsection 1, paragraph "a",  
95 10 subparagraph (1), twenty dollars from each trailer  
95 11 registration fee collected pursuant to section 321.123,  
95 12 subsection 1, paragraph "a", subparagraph (2), and one-third  
95 13 of the amount collected from trailer registration fees  
95 14 pursuant to section 321.123, subsection 2.  
95 15 b. This subsection is repealed June 30, 2028.  
95 16 ~~20- 17.~~ a. The treasurer of state, before making the  
95 17 allotments provided for in this section, shall credit annually  
95 18 to the TIME=21 fund created in section 312A.2, the revenue  
95 19 accruing to the road use tax fund from annual motor vehicle  
95 20 registration fees for passenger cars, multipurpose vehicles,  
95 21 and motor trucks in excess of three hundred ninety-two million  
95 22 dollars annually.  
95 23 b. This subsection is repealed June 30, 2028.  
95 24 Sec. 115. Section 314.2, Code 2009, is amended to read as  
95 25 follows:  
95 26 314.2 INTEREST IN CONTRACT PROHIBITED.  
95 27 No state or county official or employee, elective or  
95 28 appointive shall be directly or indirectly interested in any  
95 29 contract for the construction, reconstruction, improvement or  
95 30 maintenance of any highway, bridge or culvert, or the  
95 31 furnishing of materials therefor. The letting of a contract  
95 32 in violation of ~~the foregoing provisions~~ this section shall  
95 33 invalidate the contract and such violation shall be a complete  
95 34 defense to any action to recover any consideration due or  
95 35 earned under the contract at the time of its termination.  
96 1 Sec. 116. Section 321.52A, Code 2009, is amended to read  
96 2 as follows:  
96 3 321.52A CERTIFICATE OF TITLE SURCHARGE == ALLOCATION OF  
96 4 MONEYS.  
96 5 In addition to the fee required for the issuance of a  
96 6 certificate of title under section 321.20, 321.20A, 321.23,  
96 7 321.42, 321.46, 321.47, 321.48, ~~321.50,~~ or 321.52, a surcharge  
96 8 of five dollars shall be required. Of each surcharge  
96 9 collected under those sections, the county treasurer shall  
96 10 remit five dollars to the office of treasurer of state for  
96 11 deposit as set forth in section 321.145, subsection 2.  
96 12 Sec. 117. Section 321.92, subsection 1, Code 2009, is  
96 13 amended to read as follows:  
96 14 1. FRAUDULENT INTENT.  
96 15 a. No person shall with fraudulent intent, deface,  
96 16 destroy, or alter the vehicle identification number or  
96 17 component part number or other distinguishing number or  
96 18 identification mark of a vehicle or component part, including  
96 19 a rebuilt identification, nor shall a person place or stamp a  
96 20 serial, engine, or other number or mark upon a vehicle or  
96 21 component part, except one assigned thereto by the department.  
96 22 b. The year of manufacture of a fence=~~line feeder, grain~~  
96 23 cart, or tank wagon manufactured on or after July 1, 2001,  
96 24 shall be permanently made a part of the identification plate  
96 25 on the vehicle. A person shall not fraudulently alter,  
96 26 deface, or attempt to fraudulently alter or deface the year of  
96 27 manufacture or other product identification number on a  
96 28 fence=~~line feeder, grain cart, or tank wagon.~~  
96 29 c. A violation of this ~~provision~~ subsection is a felony  
96 30 punishable as provided in section 321.483.  
96 31 d. This subsection does not prohibit the restoration of an  
96 32 original vehicle identification number, component part number,  
96 33 or other number or mark when the restoration is made by the  
96 34 department, nor prevent a manufacturer from placing, in the  
96 35 ordinary course of business, numbers or marks upon vehicles or  
97 1 component parts.  
97 2 Sec. 118. Section 321.231, subsection 5, Code 2009, is  
97 3 amended to read as follows:  
97 4 5. ~~The foregoing~~ provisions of this section shall not  
97 5 relieve the driver of an authorized emergency vehicle or the  
97 6 rider of a police bicycle from the duty to drive or ride with  
97 7 due regard for the safety of all persons, nor shall such  
97 8 provisions protect the driver or rider from the consequences

97 9 of the driver's or rider's reckless disregard for the safety  
97 10 of others.  
97 11 Sec. 119. Section 321.285, Code 2009, is amended to read  
97 12 as follows:

97 13 321.285 SPEED RESTRICTIONS.

97 14 1. Any person driving a motor vehicle on a highway shall  
97 15 drive the same at a careful and prudent speed not greater than  
97 16 nor less than is reasonable and proper, having due regard to  
97 17 the traffic, surface, and width of the highway and of any  
97 18 other conditions then existing, and no person shall drive any  
97 19 vehicle upon a highway at a speed greater than will permit the  
97 20 person to bring it to a stop within the assured clear distance  
97 21 ahead, such driver having the right to assume, however, that  
97 22 all persons using said highway will observe the law.

97 23 ~~2. a. The following shall be the lawful speed except as~~  
97 24 ~~Unless otherwise provided by this section, or except as posted~~  
97 25 ~~pursuant to sections 262.68, 321.236, subsection 5, section~~  
97 26 ~~321.288, subsection 6, sections 321.289, 321.290, 321.293,~~  
97 27 ~~321.295, and 461A.36, the following shall be the lawful speed~~  
97 28 ~~and any speed in excess thereof shall be unlawful:~~

97 29 ~~1- (1) Twenty miles per hour in any business district.~~

97 30 ~~2- (2) Twenty-five miles per hour in any residence or~~  
97 31 ~~school district.~~

97 32 ~~3- (3) Forty-five miles per hour in any suburban~~  
97 33 ~~district.~~

97 34 b. Each school district as defined in subsection 70 of  
97 35 section 321.1 shall be marked by distinctive signs as provided  
98 1 by the current manual of uniform traffic control devices  
98 2 adopted by the department and placed on the highway at the  
98 3 limits of such school district.

98 4 ~~4- 3. Notwithstanding any Unless otherwise provided in~~  
98 5 ~~this section or by other speed restrictions, the speed limit~~  
98 6 ~~for all vehicular traffic shall be fifty-five miles per hour.~~

98 7 ~~5- 4. Reasonable A reasonable and proper speed is~~  
98 8 ~~required, but not greater than fifty-five miles per hour at~~  
98 9 ~~any time between sunrise and sunset, and not greater than~~  
98 10 ~~fifty miles per hour at any time between sunset and sunrise,~~  
98 11 ~~on secondary roads unless such roads are surfaced with~~  
98 12 ~~concrete or asphalt or a combination of both, in which case~~  
98 13 ~~the speed limits shall be the same as provided in subsection 4~~  
98 14 ~~of this section 3. When the board of supervisors of any~~

98 15 county shall determine upon the basis of an engineering and  
98 16 traffic investigation that the speed limit on any secondary  
98 17 road is greater than is reasonable and proper under the  
98 18 conditions found to exist at any intersection or other place  
98 19 or upon any part of a secondary road, the board shall  
98 20 determine and declare a reasonable and proper speed limit at  
98 21 the intersection or other part of the secondary road. The  
98 22 speed limits as determined by the board of supervisors shall  
98 23 be effective when appropriate signs giving notice of the speed  
98 24 limits are erected by the board of supervisors at the  
98 25 intersection or other place or part of the highway.

98 26 ~~6- 5. a. Notwithstanding any other speed restrictions,~~  
98 27 ~~the speed limit for all vehicular traffic on fully~~  
98 28 ~~controlled-access, divided, multilaned highways is sixty-five~~  
98 29 ~~miles per hour. However, the speed limit for all vehicular~~  
98 30 ~~traffic on highways that are part of the interstate road~~  
98 31 ~~system, as defined in section 306.3, is seventy miles per~~  
98 32 ~~hour. The department may establish a speed limit of~~  
98 33 ~~sixty-five miles per hour on certain divided, multilaned~~  
98 34 ~~highways not otherwise described in this paragraph.~~

98 35 b. The department, on its own motion or in response to a  
99 1 recommendation of a metropolitan or regional planning  
99 2 commission or council of governments, may establish a lower  
99 3 speed limit on a highway described in this subsection.

99 4 c. For the purposes of this subsection, "fully  
99 5 controlled-access highway" means a highway that gives  
99 6 preference to through traffic by providing access connections  
99 7 with selected public roads only and by prohibiting crossings  
99 8 at grade or direct private driveway connections.

99 9 d. A minimum speed may be established by the department on  
99 10 the highways referred to in this subsection if warranted by  
99 11 engineering and traffic investigations.

99 12 e. Any kind of vehicle, implement, or conveyance incapable  
99 13 of attaining and maintaining a speed of forty miles per hour  
99 14 shall be prohibited from using the interstate road system.

99 15 ~~7- 6.~~ Notwithstanding any other speed restrictions, a  
99 16 self-propelled implement of husbandry equipped with flotation  
99 17 tires that is designed to be loaded and operated in the field  
99 18 and used exclusively for the application of organic or  
99 19 inorganic plant food materials, agricultural limestone, or

99 20 agricultural chemicals shall not be operated on a highway at a  
99 21 speed in excess of thirty-five miles per hour.

99 22 Sec. 120. Section 321.376, subsection 1, Code 2009, is  
99 23 amended to read as follows:

99 24 1. The driver of a school bus shall hold a driver's  
99 25 license issued by the department of transportation valid for  
99 26 the operation of the school bus and a certificate of  
99 27 qualification for operation of a commercial motor vehicle  
99 28 issued by a physician or osteopathic physician licensed  
99 29 pursuant to chapter 148 ~~or 150A~~, physician's assistant,  
99 30 advanced registered nurse practitioner, or chiropractor or any  
99 31 other person identified by federal and state law as authorized  
99 32 to perform physical examinations, and shall successfully  
99 33 complete an approved course of instruction in accordance with  
99 34 subsection 2. A person holding a temporary restricted license  
99 35 issued under chapter 321J shall be prohibited from operating a  
100 1 school bus. The department of education shall refuse to issue  
100 2 an authorization to operate a school bus to any person who,  
100 3 after notice and opportunity for hearing, is determined to  
100 4 have committed any of the acts proscribed under section  
100 5 321.375, subsection 2. The department of education shall take  
100 6 adverse action against any person who, after notice and  
100 7 opportunity for hearing, is determined to have committed any  
100 8 of the acts proscribed under section 321.375, subsection 2.  
100 9 Such action may include a reprimand or warning of the person  
100 10 or the suspension or revocation of the person's authorization  
100 11 to operate a school bus. The department of education shall  
100 12 recommend, and the state board of education shall adopt under  
100 13 chapter 17A, rules and procedures for issuing and suspending  
100 14 or revoking authorization to operate a school bus in this  
100 15 state. Rules and procedures adopted shall include, but are  
100 16 not limited to, provisions for the revocation or suspension  
100 17 of, or refusal to issue, authorization to persons who are  
100 18 determined to have committed any of the acts proscribed under  
100 19 section 321.375, subsection 2.

100 20 Sec. 121. Section 321.463, subsection 4, paragraph b, Code  
100 21 2009, is amended to read as follows:

100 22 b. (1) Notwithstanding any provision of this section to  
100 23 the contrary, the weight on any one axle of a fence=line  
100 24 feeder, grain cart, or tank wagon operated on the highways of  
100 25 this state shall not exceed twenty-four thousand pounds from  
100 26 February 1 through May 31 or twenty-eight thousand pounds from  
100 27 June 1 through January 31, provided, however, that the maximum  
100 28 gross vehicle weight of the fence=line feeder, grain cart, or  
100 29 tank wagon shall not exceed ninety-six thousand pounds.

100 30 (2) Notwithstanding any provision of this section to the  
100 31 contrary, a tracked implement of husbandry operated on the  
100 32 highways of this state shall not have a maximum gross weight  
100 33 in excess of ninety-six thousand pounds.

100 34 (3) A fence=line feeder, grain cart, tank wagon, or  
100 35 tracked implement of husbandry shall comply with the other  
101 1 provisions of this section and chapter when operated over a  
101 2 bridge in this state. A local authority may issue a special  
101 3 permit, based on a statewide standard developed by the  
101 4 department, allowing the operation over a bridge within its  
101 5 jurisdiction of a fence=line feeder, grain cart, tank wagon,  
101 6 or tracked implement of husbandry with a weight in excess of  
101 7 the weights allowed under this chapter.

101 8 ~~(2)~~ (4) For purposes of this paragraph "b", "~~highway~~":  
101 9 (a) "Highway" does not include a bridge.

101 10 (b) For purposes of this paragraph "b", "~~fence=line~~  
101 11 "Fence=line feeder, grain cart, or tank wagon" means all of  
101 12 the following:

101 13 ~~(a)~~ (i) A fence=line feeder, grain cart, or tank wagon  
101 14 manufactured on or after July 1, 2001.

101 15 ~~(b)~~ (ii) After July 1, 2005, any fence=line feeder, grain  
101 16 cart, or tank wagon.

101 17 ~~The year of manufacture of a fence=line feeder, grain cart,~~  
101 18 ~~or tank wagon manufactured on or after July 1, 2001, shall be~~  
101 19 ~~permanently made a part of the identification plate on the~~  
101 20 ~~vehicle. Fraudulently altering or defacing or attempting to~~  
101 21 ~~fraudulently alter or deface the year of manufacture or other~~  
101 22 ~~product identification number on a fence=line feeder, grain~~  
101 23 ~~cart, or tank wagon is a violation of section 321.92.~~

101 24 Sec. 122. Section 321.488, Code 2009, is amended to read  
101 25 as follows:

101 26 321.488 PROCEDURE NOT EXCLUSIVE.

101 27 The ~~foregoing~~ provisions of this chapter shall govern all  
101 28 peace officers in making arrests without a warrant for  
101 29 violations of this chapter for offenses committed in their  
101 30 presence, but the procedure prescribed herein shall not be

101 31 exclusive of any other method prescribed by law for the arrest  
101 32 and prosecution of a person.

101 33 Sec. 123. Section 321.506, Code 2009, is amended to read  
101 34 as follows:

101 35 321.506 ACTUAL SERVICE WITHIN THIS STATE.

102 1 The ~~foregoing~~ provisions of this chapter relative to  
102 2 service of original notice of suit on nonresidents shall not  
102 3 be deemed to prevent actual personal service in this state  
102 4 upon the nonresident in the time, manner, form, and under the  
102 5 conditions provided for service on residents.

102 6 Sec. 124. Section 321A.7, Code 2009, is amended to read as  
102 7 follows:

102 8 321A.7 DURATION OF SUSPENSION.

102 9 ~~The~~ If a person's license and registration ~~and or~~  
102 10 nonresident's operating privilege has been suspended as  
102 11 provided in section 321A.5, that license and registration or  
102 12 privilege shall remain so suspended and shall not be renewed  
102 13 nor shall any such and a new license or registration shall not  
102 14 be issued to such that person until one of the following has  
102 15 occurred:

102 16 1. ~~Such~~ The person ~~shall deposit~~ deposits or there ~~shall~~  
102 17 ~~be is~~ deposited on the person's behalf the security required  
102 18 under section 321A.5 ~~or~~.

102 19 2. Twelve months have elapsed after such accident,  
102 20 ~~provided and~~ the department has not been notified by any party  
102 21 to the action or an attorney for any party that an action for  
102 22 damages arising out of such accident has been instituted  
102 23 within one year from the date of the accident ~~or~~.

102 24 3. Evidence satisfactory to the department has been filed  
102 25 with the department of a release from liability, or a final  
102 26 adjudication of nonliability, or a warrant for confession of  
102 27 judgment, or a duly acknowledged written agreement, in  
102 28 accordance with section 321A.6, subsection 4 ~~provided~~. If,  
102 29 ~~however, in the event~~ there ~~shall be is~~ any default in the  
102 30 payment of any installment under any confession of judgment,  
102 31 then, upon notice of such default, the department shall  
102 32 forthwith immediately suspend the license and registration or  
102 33 nonresident's operating privilege of such person defaulting  
102 34 which shall not be restored unless and until the entire amount  
102 35 provided for in said confession of judgment has been paid ~~and~~

103 1 ~~provided, further, that in the event~~. In addition, if there  
103 2 ~~shall be is~~ any default in the payment of any installment  
103 3 under any duly acknowledged written agreement, then, upon  
103 4 notice of such default, the department shall forthwith  
103 5 immediately suspend the license and registration or  
103 6 nonresident's operating privilege of ~~such that~~ person  
103 7 defaulting ~~which and the license and registration or~~  
103 8 nonresident's operating privilege shall not be restored unless

103 9 and until one of the following occurs:

103 10 a. Such person deposits and thereafter maintains security  
103 11 as required under section 321A.5 in such amount as the  
103 12 department may then determine ~~or~~.

103 13 b. Twelve months have elapsed after such security was  
103 14 required, ~~provided and~~ the department has not been notified by  
103 15 any party to the action or an attorney for any party that an  
103 16 action upon such an agreement has been instituted in a court  
103 17 in this state within one year after such security was  
103 18 required.

103 19 Sec. 125. Section 330A.10, Code 2009, is amended to read  
103 20 as follows:

103 21 330A.10 FUNDS OF AN AUTHORITY.

103 22 1. Moneys of an authority shall be paid to the treasurer  
103 23 of the authority who shall not commingle said moneys with any  
103 24 other moneys, but shall deposit them in a separate account or  
103 25 accounts. The moneys in said accounts shall be paid out on  
103 26 check of the treasurer on requisition of the chairperson of  
103 27 the authority, or of such other person, or persons, as the  
103 28 authority may authorize to make such requisition.

103 29 2. ~~Notwithstanding the aforementioned provisions~~  
103 30 subsection 1, an authority is hereby authorized, and shall  
103 31 have the right, to deposit any of its rates, fees, rentals, or  
103 32 other charges, receipts or income with any bank or trust  
103 33 company within the state and to deposit the proceeds of any  
103 34 bonds issued hereunder with any bank or trust company within  
103 35 the state, all as may be provided in any agreement with the  
104 1 holders of bonds issued hereunder.

104 2 Sec. 126. Section 331.653, subsection 27, Code 2009, is  
104 3 amended to read as follows:

104 4 27. Give notice of the time and place of making an  
104 5 appraisal of unneeded school land as provided in ~~section~~  
104 6 sections 297.17 and 297.28.

104 7 Sec. 127. Section 335.22, Code 2009, is amended to read as  
104 8 follows:

104 9 335.22 PRECEDENCE.

104 10 All issues in any proceedings under ~~the foregoing~~ sections  
104 11 335.18 through 335.21 shall have preference over all other  
104 12 civil actions and proceedings.

104 13 Sec. 128. Section 358.8, Code 2009, is amended to read as  
104 14 follows:

104 15 358.8 EXPENSES AND COSTS OF ELECTION.

104 16 The election held pursuant to this chapter shall be  
104 17 conducted by the county commissioner of elections. All  
104 18 expenses incurred in carrying out ~~the foregoing~~ sections 358.4  
104 19 and 358.5 of this chapter, together with the costs of the  
104 20 election, as determined by the county commissioner of  
104 21 elections, shall be paid by those who will be benefited by the  
104 22 proposed sanitary district. If the district is not  
104 23 established, the expenses and costs shall be collected upon  
104 24 the bond or bonds of the petitioners.

104 25 Sec. 129. Section 358C.9, Code 2009, is amended to read as  
104 26 follows:

104 27 358C.9 EXPENSES AND COSTS OF ELECTION.

104 28 The election held pursuant to this chapter shall be  
104 29 conducted by the county commissioner of elections. All  
104 30 expenses incurred in carrying out ~~the preceding~~ sections of  
~~104 31 this chapter 358C.5 and 358C.6~~, and the costs of the election,  
104 32 as determined by the county commissioner of elections, shall  
104 33 be paid by those who will be benefited by the proposed  
104 34 district. If the district is not established, the expenses  
104 35 and costs shall be collected upon the bonds of the

105 1 petitioners.  
105 2 Sec. 130. Section 364.17, subsection 3, Code 2009, is  
105 3 amended to read as follows:

105 4 3. a. A city which adopts or is subject to a housing code  
105 5 under this section shall adopt enforcement procedures, which  
105 6 shall include a program for regular rental inspections, rental  
105 7 inspections upon receipt of complaints, and certification of  
105 8 inspected rental housing, and may include but are not limited  
105 9 to the following:

105 10 ~~a-~~ (1) A schedule of civil penalties or criminal fines  
105 11 for violations. A city may charge the owner of housing a late  
105 12 payment fee of twenty-five dollars and may add interest of up  
105 13 to one and one-half percent per month if a penalty or fine  
105 14 imposed under this ~~paragraph~~ subparagraph is not paid within  
105 15 thirty days of the date that the penalty or fine is due. The  
105 16 city shall send a notice of the late payment fee to such owner  
105 17 by first class mail to the owner's personal or business  
105 18 mailing address. The late payment fee and the interest shall  
105 19 not accrue if such owner files an appeal with either the city,  
105 20 if the city has established an appeals procedure, or the  
105 21 district court. Any unpaid penalty, fine, fee, or interest  
105 22 shall constitute a lien on the real property and may be  
105 23 collected in the same manner as a property tax. However,  
105 24 before a lien is filed, the city shall send a notice of intent  
105 25 to file a lien to the owner of the housing by first class mail  
105 26 to such owner's personal or business mailing address.

105 27 ~~b-~~ (2) Authority for the issuance of orders requiring  
105 28 violations to be corrected within a reasonable time.

105 29 ~~c-~~ (3) Authority for the issuance of citations pursuant  
105 30 to sections 805.1 to 805.5 upon a failure to satisfactorily  
105 31 remedy a violation.

105 32 ~~d-~~ (4) Authority, if other methods have failed, for an  
105 33 officer to contract to have work done as necessary to remedy a  
105 34 violation, the cost of which shall be assessed to the violator  
105 35 and constitute a lien on the property until paid.

106 1 ~~e-~~ (5) An escrow system for the deposit of rent which  
106 2 will be applied to the costs of correcting violations.

106 3 ~~f-~~ (6) Mediation of disputes based upon alleged  
106 4 violations.

106 5 ~~g-~~ (7) Injunctive procedures.

106 6 ~~The enforcement procedures shall be designed to improve~~  
~~106 7 housing conditions rather than to displace persons from their~~  
106 8 ~~homes.~~

106 9 ~~h-~~ (8) Authority by ordinance to provide that no rent  
106 10 shall be recoverable by the owner or lessee of any dwelling  
106 11 which does not comply with the housing code adopted by the  
106 12 city until such time as the dwelling does comply with the  
106 13 housing code adopted by the city.

106 14 b. The enforcement procedures shall be designed to improve  
106 15 housing conditions rather than to displace persons from their  
106 16 homes.

106 17 Sec. 131. Section 384.84, subsection 2, paragraph c, Code

106 18 2009, is amended to read as follows:

106 19 c. A city utility or enterprise service to a property or  
106 20 premises shall not be discontinued unless prior written notice  
106 21 is sent, by ordinary mail, to the account holder in whose name  
106 22 the delinquent rates or charges were incurred, informing the  
106 23 account holder of the nature of the delinquency and affording  
106 24 the account holder the opportunity for a hearing prior to  
106 25 discontinuance of service. If the account holder is a tenant,  
106 26 and if the owner or landlord of the property or premises has  
106 27 made a written request for notice, the notice shall also be  
106 28 given to the owner or landlord.

106 29 Sec. 132. Section 384.84, subsection 3, paragraph c, Code  
106 30 2009, is amended to read as follows:

106 31 c. A lien for a city utility or enterprise service under  
106 32 paragraph "a" shall not be certified to the county treasurer  
106 33 for collection unless prior written notice of intent to  
106 34 certify a lien is given to the account holder in whose name  
106 35 the delinquent rates or charges were incurred at least thirty  
107 1 days prior to certification. If the account holder is a  
107 2 tenant, and if the owner or landlord of the property or  
107 3 premises has made a written request for notice, the notice  
107 4 shall also be given to the owner or landlord. The notice  
107 5 shall be sent to the appropriate persons by ordinary mail not  
107 6 less than thirty days prior to certification of the lien to  
107 7 the county treasurer.

107 8 Sec. 133. Section 414.19, Code 2009, is amended to read as  
107 9 follows:

107 10 414.19 PREFERENCE IN TRIAL.

107 11 All issues in any proceedings under ~~the foregoing~~ sections  
107 12 414.15 through 414.18 shall have preference over all other  
107 13 civil actions and proceedings.

107 14 Sec. 134. Section 421B.3, subsection 3, paragraph b, Code  
107 15 2009, is amended to read as follows:

107 16 b. Each day ~~the~~ a violation occurs counts as a new  
107 17 violation for purposes of this subsection.

107 18 Sec. 135. Section 422.5, Code 2009, is amended to read as  
107 19 follows:

107 20 422.5 TAX IMPOSED == EXCLUSIONS == ALTERNATIVE MINIMUM  
107 21 TAX.

107 22 1. A tax is imposed upon every resident and nonresident of  
107 23 the state which tax shall be levied, collected, and paid  
107 24 annually upon and with respect to the entire taxable income as  
107 25 defined in this division at rates as follows:

107 26 a. On all taxable income from zero through one thousand  
107 27 dollars, thirty=six hundredths of one percent.

107 28 b. On all taxable income exceeding one thousand dollars  
107 29 but not exceeding two thousand dollars, seventy=two hundredths  
107 30 of one percent.

107 31 c. On all taxable income exceeding two thousand dollars  
107 32 but not exceeding four thousand dollars, two and forty=three  
107 33 hundredths percent.

107 34 d. On all taxable income exceeding four thousand dollars  
107 35 but not exceeding nine thousand dollars, four and one=half  
108 1 percent.

108 2 e. On all taxable income exceeding nine thousand dollars  
108 3 but not exceeding fifteen thousand dollars, six and twelve  
108 4 hundredths percent.

108 5 f. On all taxable income exceeding fifteen thousand  
108 6 dollars but not exceeding twenty thousand dollars, six and  
108 7 forty=eight hundredths percent.

108 8 g. On all taxable income exceeding twenty thousand dollars  
108 9 but not exceeding thirty thousand dollars, six and  
108 10 eight=tenths percent.

108 11 h. On all taxable income exceeding thirty thousand dollars  
108 12 but not exceeding forty=five thousand dollars, seven and  
108 13 ninety=two hundredths percent.

108 14 i. On all taxable income exceeding forty=five thousand  
108 15 dollars, eight and ninety=eight hundredths percent.

108 16 j. (1) The tax imposed upon the taxable income of a  
108 17 nonresident shall be computed by reducing the amount  
108 18 determined pursuant to paragraphs "a" through "i" by the  
108 19 amounts of nonrefundable credits under this division and by  
108 20 multiplying this resulting amount by a fraction of which the  
108 21 nonresident's net income allocated to Iowa, as determined in  
108 22 section 422.8, subsection 2, paragraph "a", is the numerator  
108 23 and the nonresident's total net income computed under section  
108 24 422.7 is the denominator. This provision also applies to  
108 25 individuals who are residents of Iowa for less than the entire  
108 26 tax year.

108 27 (2) (a) The tax imposed upon the taxable income of a  
108 28 resident shareholder in an S corporation which has in effect

108 29 for the tax year an election under subchapter S of the  
108 30 Internal Revenue Code and carries on business within and  
108 31 without the state may be computed by reducing the amount  
108 32 determined pursuant to paragraphs "a" through "i" by the  
108 33 amounts of nonrefundable credits under this division and by  
108 34 multiplying this resulting amount by a fraction of which the  
108 35 resident's net income allocated to Iowa, as determined in  
109 1 section 422.8, subsection 2, paragraph "b", is the numerator  
109 2 and the resident's total net income computed under section  
109 3 422.7 is the denominator. If a resident shareholder has  
109 4 elected to take advantage of this subparagraph (2), and for  
109 5 the next tax year elects not to take advantage of this  
109 6 subparagraph, the resident shareholder shall not reelect to  
109 7 take advantage of this subparagraph for the three tax years  
109 8 immediately following the first tax year for which the  
109 9 shareholder elected not to take advantage of this  
109 10 subparagraph, unless the director consents to the reelection.  
109 11 This subparagraph also applies to individuals who are  
109 12 residents of Iowa for less than the entire tax year.  
109 13 (b) This subparagraph (2) shall not affect the amount of  
109 14 the taxpayer's checkoffs under this division, the credits from  
109 15 tax provided under this division, and the allocation of these  
109 16 credits between spouses if the taxpayers filed separate  
109 17 returns or separately on combined returns.  
109 18 ~~2.~~ 2. a. There is imposed upon every resident and  
109 19 nonresident of this state, including estates and trusts, the  
109 20 greater of the tax determined in subsection 1, paragraphs "a"  
109 21 through "j", or the state alternative minimum tax equal to  
109 22 seventy-five percent of the maximum state individual income  
109 23 tax rate for the tax year, rounded to the nearest one-tenth of  
109 24 one percent, of the state alternative minimum taxable income  
109 25 of the taxpayer as computed under this ~~paragraph~~ subsection.  
109 26 b. The state alternative minimum taxable income of a  
109 27 taxpayer is equal to the taxpayer's state taxable income, as  
109 28 computed with the deductions in section 422.9, with the  
109 29 following adjustments:  
109 30 (1) Add items of tax preference included in federal  
109 31 alternative minimum taxable income under section 57, except  
109 32 subsections (a)(1), (a)(2), and (a)(5), of the Internal  
109 33 Revenue Code, make the adjustments included in federal  
109 34 alternative minimum taxable income under section 56, except  
110 1 subsections (a)(4), (b)(1)(C)(iii), and (d), of the Internal  
110 2 Revenue Code, and add losses as required by section 58 of the  
110 3 Internal Revenue Code. To the extent that any preference or  
110 4 adjustment is determined by an individual's federal adjusted  
110 5 gross income, the individual's federal adjusted gross income  
110 6 is computed in accordance with section 422.7, subsection 39.  
110 7 In the case of an estate or trust, the items of tax  
110 8 preference, adjustments, and losses shall be apportioned  
110 9 accordance with rules prescribed by the director.  
110 10 (2) Subtract the applicable exemption amount as follows:  
110 11 (a) Seventeen thousand five hundred dollars for a married  
110 12 person who files separately or for an estate or trust.  
110 13 (b) Twenty-six thousand dollars for a single person or a  
110 14 head of household.  
110 15 (c) Thirty-five thousand dollars for a married couple  
110 16 which files a joint return.  
110 17 (d) The exemption amount shall be reduced, but not below  
110 18 zero, by an amount equal to twenty-five percent of the amount  
110 19 by which the alternative minimum taxable income of the  
110 20 taxpayer, computed without regard to the exemption amount in  
110 21 this subparagraph (2), exceeds the following:  
110 22 (i) Seventy-five thousand dollars in the case of a  
110 23 taxpayer described in subparagraph ~~subdivision~~ division (a).  
110 24 (ii) One hundred twelve thousand five hundred dollars in  
110 25 the case of a taxpayer described in subparagraph ~~subdivision~~  
110 26 division (b).  
110 27 (iii) One hundred fifty thousand dollars in the case of a  
110 28 taxpayer described in subparagraph ~~subdivision~~ division (c).  
110 29 (3) In the case of a net operating loss computed for a tax  
110 30 year beginning after December 31, 1982, which is carried back  
110 31 or carried forward to the current taxable year, the net  
110 32 operating loss shall be reduced by the amount of the items of  
110 33 tax preference arising in such year which was taken into  
110 34 account in computing the net operating loss in section 422.9,  
110 35 subsection 3. The deduction for a net operating loss for a  
111 1 tax year beginning after December 31, 1986, which is carried  
111 2 back or carried forward to the current taxable year shall not  
111 3 exceed ninety percent of the alternative minimum taxable  
111 4 income determined without regard for the net operating loss

111 5 deduction.

111 6 c. The state alternative minimum tax of a taxpayer whose  
111 7 net capital gain deduction includes the gain or loss from the  
111 8 forfeiture of an installment real estate contract, the  
111 9 transfer of real or personal property securing a debt to a  
111 10 creditor in cancellation of that debt, or from the sale or  
111 11 exchange of property as a result of actual notice of  
111 12 foreclosure, where the fair market value of the taxpayer's  
111 13 assets exceeds the taxpayer's liabilities immediately before  
111 14 such forfeiture, transfer, or sale or exchange, shall not be  
111 15 greater than such excess, including any asset transferred  
111 16 within one hundred twenty days prior to such forfeiture,  
111 17 transfer, or sale or exchange.

111 18 d. In the case of a resident, including a resident estate  
111 19 or trust, the state's apportioned share of the state  
111 20 alternative minimum tax is one hundred percent of the state  
111 21 alternative minimum tax computed in this subsection 2. In the  
111 22 case of a resident or part-year resident shareholder in an S  
111 23 corporation which has in effect for the tax year an election  
111 24 under subchapter S of the Internal Revenue Code and carries on  
111 25 business within and without the state, a nonresident,  
111 26 including a nonresident estate or trust, or an individual,  
111 27 estate, or trust that is domiciled in the state for less than  
111 28 the entire tax year, the state's apportioned share of the  
111 29 state alternative minimum tax is the amount of tax computed  
111 30 under this subsection 2, reduced by the applicable credits in  
111 31 sections 422.10 through 422.12 and this result multiplied by a  
111 32 fraction with a numerator of the sum of state net income  
111 33 allocated to Iowa as determined in section 422.8, subsection  
111 34 2, paragraph "a" or "b" as applicable, plus tax preference  
111 35 items, adjustments, and losses under subparagraph (1)  
112 1 attributable to Iowa and with a denominator of the sum of  
112 2 total net income computed under section 422.7 plus all tax  
112 3 preference items, adjustments, and losses under subparagraph  
112 4 (1). In computing this fraction, those items excludable under  
112 5 subparagraph (1) shall not be used in computing the tax  
112 6 preference items. Married taxpayers electing to file separate  
112 7 returns or separately on a combined return must allocate the  
112 8 minimum tax computed in this subsection in the proportion that  
112 9 each spouse's respective preference items, adjustments, and  
112 10 losses under subparagraph (1) bear to the combined preference  
112 11 items, adjustments, and losses under subparagraph (1) of both  
112 12 spouses.

112 13 ~~2.~~ 3. a. ~~However, the~~ The tax shall not be imposed on a  
112 14 resident or nonresident whose net income, as defined in  
112 15 section 422.7, is thirteen thousand five hundred dollars or  
112 16 less in the case of married persons filing jointly or filing  
112 17 separately on a combined return, heads of household, and  
112 18 surviving spouses or nine thousand dollars or less in the case  
112 19 of all other persons; but in the event that the payment of tax  
112 20 under this division would reduce the net income to less than  
112 21 thirteen thousand five hundred dollars or nine thousand  
112 22 dollars as applicable, then the tax shall be reduced to that  
112 23 amount which would result in allowing the taxpayer to retain a  
112 24 net income of thirteen thousand five hundred dollars or nine  
112 25 thousand dollars as applicable. The preceding sentence does  
112 26 not apply to estates or trusts. For the purpose of this  
112 27 subsection, the entire net income, including any part of the  
112 28 net income not allocated to Iowa, shall be taken into account.  
112 29 For purposes of this subsection, net income includes all  
112 30 amounts of pensions or other retirement income received from  
112 31 any source which is not taxable under this division as a  
112 32 result of the government pension exclusions in section 422.7,  
112 33 or any other state law. If the combined net income of a  
112 34 husband and wife exceeds thirteen thousand five hundred  
112 35 dollars, neither of them shall receive the benefit of this  
113 1 subsection, and it is immaterial whether they file a joint  
113 2 return or separate returns. However, if a husband and wife  
113 3 file separate returns and have a combined net income of  
113 4 thirteen thousand five hundred dollars or less, neither spouse  
113 5 shall receive the benefit of this paragraph, if one spouse has  
113 6 a net operating loss and elects to carry back or carry forward  
113 7 the loss as provided in section 422.9, subsection 3. A person  
113 8 who is claimed as a dependent by another person as defined in  
113 9 section 422.12 shall not receive the benefit of this  
113 10 subsection if the person claiming the dependent has net income  
113 11 exceeding thirteen thousand five hundred dollars or nine  
113 12 thousand dollars as applicable or the person claiming the  
113 13 dependent and the person's spouse have combined net income  
113 14 exceeding thirteen thousand five hundred dollars or nine  
113 15 thousand dollars as applicable.

113 16 b. In addition lieu of the computation in subsection 1, 2,  
113 17 or 3, if the married persons', filing jointly or filing  
113 18 separately on a combined return, head of household's, or  
113 19 surviving spouse's net income exceeds thirteen thousand five  
113 20 hundred dollars, the regular tax imposed under this division  
113 21 shall be the lesser of the maximum state individual income tax  
113 22 rate times the portion of the net income in excess of thirteen  
113 23 thousand five hundred dollars or the regular tax liability  
113 24 computed without regard to this sentence. Taxpayers electing  
113 25 to file separately shall compute the alternate tax described  
113 26 in this paragraph using the total net income of the husband  
113 27 and wife. The alternate tax described in this paragraph does  
113 28 not apply if one spouse elects to carry back or carry forward  
113 29 the loss as provided in section 422.9, subsection 3.

113 30 ~~2A- 3A.~~ Reserved.

113 31 ~~2B- 3B. a.~~ However, the The tax shall not be imposed on  
113 32 a resident or nonresident who is at least sixty-five years old  
113 33 on December 31 of the tax year and whose net income, as  
113 34 defined in section 422.7, is thirty-two thousand dollars or  
113 35 less in the case of married persons filing jointly or filing  
114 1 separately on a combined return, heads of household, and  
114 2 surviving spouses or twenty-four thousand dollars or less in  
114 3 the case of all other persons; but in the event that the  
114 4 payment of tax under this division would reduce the net income  
114 5 to less than thirty-two thousand dollars or twenty-four  
114 6 thousand dollars as applicable, then the tax shall be reduced  
114 7 to that amount which would result in allowing the taxpayer to  
114 8 retain a net income of thirty-two thousand dollars or  
114 9 twenty-four thousand dollars as applicable. The preceding  
114 10 sentence does not apply to estates or trusts. For the purpose  
114 11 of this subsection, the entire net income, including any part  
114 12 of the net income not allocated to Iowa, shall be taken into  
114 13 account. For purposes of this subsection, net income includes  
114 14 all amounts of pensions or other retirement income received  
114 15 from any source which is not taxable under this division as a  
114 16 result of the government pension exclusions in section 422.7,  
114 17 or any other state law. If the combined net income of a  
114 18 husband and wife exceeds thirty-two thousand dollars, neither  
114 19 of them shall receive the benefit of this subsection, and it  
114 20 is immaterial whether they file a joint return or separate  
114 21 returns. However, if a husband and wife file separate returns  
114 22 and have a combined net income of thirty-two thousand dollars  
114 23 or less, neither spouse shall receive the benefit of this  
114 24 paragraph, if one spouse has a net operating loss and elects  
114 25 to carry back or carry forward the loss as provided in section  
114 26 422.9, subsection 3. A person who is claimed as a dependent  
114 27 by another person as defined in section 422.12 shall not  
114 28 receive the benefit of this subsection if the person claiming  
114 29 the dependent has net income exceeding thirty-two thousand  
114 30 dollars or twenty-four thousand dollars as applicable or the  
114 31 person claiming the dependent and the person's spouse have  
114 32 combined net income exceeding thirty-two thousand dollars or  
114 33 twenty-four thousand dollars as applicable.

114 34 b. In addition lieu of the computation in subsection 1, 2,  
114 35 or 3, if the married persons', filing jointly or filing  
115 1 separately on a combined return, head of household's, or  
115 2 surviving spouse's net income exceeds thirty-two thousand  
115 3 dollars, the regular tax imposed under this division shall be  
115 4 the lesser of the maximum state individual income tax rate  
115 5 times the portion of the net income in excess of thirty-two  
115 6 thousand dollars or the regular tax liability computed without  
115 7 regard to this sentence. Taxpayers electing to file  
115 8 separately shall compute the alternate tax described in this  
115 9 paragraph using the total net income of the husband and wife.  
115 10 The alternate tax described in this paragraph does not apply  
115 11 if one spouse elects to carry back or carry forward the loss  
115 12 as provided in section 422.9, subsection 3.

115 13 c. This subsection applies even though one spouse has not  
115 14 attained the age of sixty-five, if the other spouse is at  
115 15 least sixty-five at the end of the tax year.

115 16 ~~3- 4.~~ The tax herein levied shall be computed and  
115 17 collected as hereinafter provided.

115 18 ~~4- 5.~~ The provisions of this division shall apply to all  
115 19 salaries received by federal officials or employees of the  
115 20 United States government as provided for herein.

115 21 ~~5- 6.~~ Upon determination of the latest cumulative  
115 22 inflation factor, the director shall multiply each dollar  
115 23 amount set forth in subsection 1, paragraphs "a" through "i"  
115 24 ~~of this section~~ by this cumulative inflation factor, shall  
115 25 round off the resulting product to the nearest one dollar, and  
115 26 shall incorporate the result into the income tax forms and

115 27 instructions for each tax year.  
115 28 ~~6-~~ 7. The state income tax of a taxpayer whose net income  
115 29 includes the gain or loss from the forfeiture of an  
115 30 installment real estate contract, the transfer of real or  
115 31 personal property securing a debt to a creditor in  
115 32 cancellation of that debt, or from the sale or exchange of  
115 33 property as a result of actual notice of foreclosure where the  
115 34 fair market value of the taxpayer's assets exceeds the  
115 35 taxpayer's liabilities immediately before such forfeiture,  
116 1 transfer, or sale or exchange shall not be greater than such  
116 2 excess, including any asset transferred within one hundred  
116 3 twenty days prior to such forfeiture, transfer, or sale or  
116 4 exchange. For purposes of this subsection, in the case of  
116 5 married taxpayers, except in the case of a husband and wife  
116 6 who live apart at all times during the tax year, the assets  
116 7 and liabilities of both spouses shall be considered in  
116 8 determining if the fair market value of the taxpayer's assets  
116 9 exceed the taxpayer's liabilities.  
116 10 ~~7-~~ 8. In addition to the other taxes imposed by this  
116 11 section, a tax is imposed on the amount of a lump sum  
116 12 distribution for which the taxpayer has elected under section  
116 13 402(e) of the Internal Revenue Code to be separately taxed for  
116 14 federal income tax purposes for the tax year. The rate of tax  
116 15 is equal to twenty-five percent of the separate federal tax  
116 16 imposed on the amount of the lump sum distribution. A  
116 17 nonresident is liable for this tax only on that portion of the  
116 18 lump sum distribution allocable to Iowa. The total amount of  
116 19 the lump sum distribution subject to separate federal tax  
116 20 shall be included in net income for purposes of determining  
116 21 eligibility under subsections ~~2~~ 3 and ~~2A or 2B~~ 3B, as  
116 22 applicable.  
116 23 ~~8-~~ 9. In the case of income derived from the sale or  
116 24 exchange of livestock which qualifies under section 451(e) of  
116 25 the Internal Revenue Code because of drought, the taxpayer may  
116 26 elect to include the income in the taxpayer's net income in  
116 27 the tax year following the year of the sale or exchange in  
116 28 accordance with rules prescribed by the director.  
116 29 ~~9-~~ 10. If an individual's federal income tax was forgiven  
116 30 for a tax year under section 692 of the Internal Revenue Code,  
116 31 because the individual was killed while serving in an area  
116 32 designated by the president of the United States or the United  
116 33 States Congress as a combat zone, the individual was missing  
116 34 in action and presumed dead, or the individual was killed  
116 35 outside the United States in a terroristic or military action  
117 1 while the individual was a military or civilian employee of  
117 2 the United States, the individual's Iowa income tax is also  
117 3 forgiven for the same tax year.  
117 4 ~~10-~~ 11. If a taxpayer repays in the current tax year  
117 5 certain amounts of income that were subject to tax under this  
117 6 division in a prior year and a tax benefit would be allowed  
117 7 under similar circumstances under section 1341 of the Internal  
117 8 Revenue Code, a tax benefit shall be allowed on the Iowa  
117 9 return. The tax benefit shall be the reduced tax for the  
117 10 current tax year due to the deduction for the repaid income or  
117 11 the reduction in tax for the prior year or years due to  
117 12 exclusion of the repaid income. The reduction in tax shall  
117 13 qualify as a refundable tax credit on the return for the  
117 14 current year pursuant to rules prescribed by the director.  
117 15 Sec. 136. Section 422.7, subsection 12, Code 2009, is  
117 16 amended to read as follows:  
117 17 12. a. If the adjusted gross income includes income or  
117 18 loss from a small business operated by the taxpayer, an  
117 19 additional deduction shall be allowed in computing the income  
117 20 or loss from the small business if the small business hired  
117 21 for employment in the state during its annual accounting  
117 22 period ending with or during the taxpayer's tax year any of  
117 23 the following:  
117 24 ~~a-~~ (1) An individual with a disability domiciled in this  
117 25 state at the time of the hiring who meets any of the following  
117 26 conditions:  
117 27 ~~(1)~~ (a) Has a physical or mental impairment which  
117 28 substantially limits one or more major life activities.  
117 29 ~~(2)~~ (b) Has a record of that impairment.  
117 30 ~~(3)~~ (c) Is regarded as having that impairment.  
117 31 ~~b-~~ (2) An individual domiciled in this state at the time  
117 32 of the hiring who meets any of the following conditions:  
117 33 ~~(1)~~ (a) Has been convicted of a felony in this or any  
117 34 other state or the District of Columbia.  
117 35 ~~(2)~~ (b) Is on parole pursuant to chapter 906.  
118 1 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an  
118 2 offense other than a simple misdemeanor.

118 3 ~~(4)~~ (d) Is in a work release program pursuant to chapter  
118 4 904, division IX.  
118 5 ~~e-~~ (3) An individual, whether or not domiciled in this  
118 6 state at the time of the hiring, who is on parole or probation  
118 7 and to whom the interstate probation and parole compact under  
118 8 section 907A.1, Code 2001, applies, or to whom the interstate  
118 9 compact for adult offender supervision under chapter 907B  
118 10 applies.

118 11 b. (1) The amount of the additional deduction is equal to  
118 12 sixty-five percent of the wages paid to individuals, but shall  
118 13 not exceed twenty thousand dollars per individual, named in  
118 14 ~~paragraphs paragraph "a", "b", and "c" subparagraphs (1), (2),~~  
118 15 ~~and (3)~~ who were hired for the first time by that business  
118 16 during the annual accounting period for work done in the  
118 17 state. This additional deduction is allowed for the wages  
118 18 paid to those individuals successfully completing a  
118 19 probationary period during the twelve months following the  
118 20 date of first employment by the business and shall be deducted  
118 21 at the close of the annual accounting period.

118 22 (2) The additional deduction shall not be allowed for  
118 23 wages paid to an individual who was hired to replace an  
118 24 individual whose employment was terminated within the  
118 25 twelve-month period preceding the date of first employment.  
118 26 However, if the individual being replaced left employment  
118 27 voluntarily without good cause attributable to the employer or  
118 28 if the individual was discharged for misconduct in connection  
118 29 with the individual's employment as determined by the  
118 30 department of workforce development, the additional deduction  
118 31 shall be allowed.

118 32 (3) A taxpayer who is a partner of a partnership or a  
118 33 shareholder of a subchapter S corporation, may deduct that  
118 34 portion of wages qualified under this subsection paid by the  
118 35 partnership or subchapter S corporation based on the  
119 1 taxpayer's pro rata share of the profits or losses from the  
119 2 partnership or subchapter S corporation.

119 3 c. For purposes of this subsection, ~~"physical:~~

119 4 (1) "Physical or mental impairment" means any  
119 5 physiological disorder or condition, cosmetic disfigurement,  
119 6 or anatomical loss affecting one or more of the body systems  
119 7 or any mental or psychological disorder, including mental  
119 8 retardation, organic brain syndrome, emotional or mental  
119 9 illness and specific learning disabilities.

119 10 (2) (a) ~~For purposes of this subsection, "small "Small~~  
119 11 ~~business" means a profit or nonprofit business, including but~~  
119 12 ~~not limited to an individual, partnership, corporation, joint~~  
119 13 ~~venture, association, or cooperative, to which the following~~  
119 14 ~~apply:~~

119 15 ~~(i)~~ (i) It is not an affiliate or subsidiary of a  
119 16 business dominant in its field of operation.

119 17 ~~(2)~~ (ii) It has twenty or fewer full-time equivalent  
119 18 positions and not more than the equivalent of three million  
119 19 dollars in annual gross revenues as computed for the preceding  
119 20 fiscal year or as the average of the three preceding fiscal  
119 21 years.

119 22 ~~(3)~~ (iii) It does not include the practice of a  
119 23 profession.

119 24 (b) "Small business" includes an employee-owned business  
119 25 which has been an employee-owned business for less than three  
119 26 years or which meets the conditions of ~~subparagraphs (1)~~  
119 27 ~~subparagraph division (a), subparagraph subdivisions (i)~~  
119 28 ~~through (3) (iii).~~

119 29 (c) For purposes of this definition, "dominant in its  
119 30 field of operation" means having more than twenty full-time  
119 31 equivalent positions and more than three million dollars in  
119 32 annual gross revenues, and "affiliate or subsidiary of a  
119 33 business dominant in its field of operation" means a business  
119 34 which is at least twenty percent owned by a business dominant  
119 35 in its field of operation, or by partners, officers,  
120 1 directors, majority stockholders, or their equivalents, of a  
120 2 business dominant in that field of operation.

120 3 ~~The department may, by resolution, waive any or all of the~~  
120 4 ~~requirements of paragraph "b" in connection with a loan to a~~  
120 5 ~~small business, as defined under applicable federal law and~~  
120 6 ~~regulations that have been enacted or adopted by April 1,~~  
120 7 ~~1983, in which federal assistance, insurance, or guaranties~~  
120 8 ~~are sought.~~

120 9 Sec. 137. Section 422.7, subsection 28, paragraph b, Code  
120 10 2009, is amended to read as follows:

120 11 b. The amount of any ~~savings refund or~~ state match  
120 12 payments authorized under section 541A.3, subsection 1.

120 13 Sec. 138. Section 422.7, subsection 43, unnumbered

120 14 paragraph 1, Code 2009, is amended to read as follows:

120 15 A taxpayer may elect not to take the increased expensing  
120 16 allowance under section 179 of the Internal Revenue Code, as  
120 17 amended by Pub. L. No. 108=27, section 202, in computing  
120 18 adjusted gross income for state tax purposes. If the taxpayer  
120 19 does not take the increased expensing allowance under section  
120 20 179 of the Internal Revenue Code for state tax purposes, the  
120 21 following adjustments shall be made:

120 22 Sec. 139. Section 422.7, subsection 53, Code 2009, is  
120 23 amended to read as follows:

120 24 53. A taxpayer is allowed to take the increased expensing  
120 25 allowance under section 179 of the Internal Revenue Code, as  
120 26 amended by Pub. L. No. 110=185, in computing adjusted gross  
120 27 income for state tax purposes.

120 28 Sec. 140. Section 422.12, Code 2009, is amended to read as  
120 29 follows:

120 30 422.12 DEDUCTIONS FROM COMPUTED TAX.

120 31 1. As used in this section:

120 32 a. "Dependent" has the same meaning as provided by the  
120 33 Internal Revenue Code.

120 34 b. "Textbooks" means books and other instructional  
120 35 materials and equipment used in elementary and secondary  
121 1 schools in teaching only those subjects legally and commonly  
121 2 taught in public elementary and secondary schools in this  
121 3 state and does not include instructional books and materials  
121 4 used in the teaching of religious tenets, doctrines, or  
121 5 worship, the purpose of which is to inculcate those tenets,  
121 6 doctrines, or worship. "Textbooks" includes books or  
121 7 materials used for extracurricular activities including  
121 8 sporting events, musical or dramatic events, speech  
121 9 activities, driver's education, or programs of a similar  
121 10 nature.

121 11 c. "Tuition" means any charges for the expenses of  
121 12 personnel, buildings, equipment, and materials other than  
121 13 textbooks, and other expenses of elementary or secondary  
121 14 schools which relate to the teaching only of those subjects  
121 15 legally and commonly taught in public elementary and secondary  
121 16 schools in this state and which do not relate to the teaching  
121 17 of religious tenets, doctrines, or worship, the purpose of  
121 18 which is to inculcate those tenets, doctrines, or worship.  
121 19 "Tuition" includes those expenses which relate to  
121 20 extracurricular activities including sporting events, musical  
121 21 or dramatic events, speech activities, driver's education, or  
121 22 programs of a similar nature.

121 23 2. There shall be deducted from but not to exceed the tax,  
121 24 after the same shall have been computed as provided in this  
121 25 division, the following:

121 26 ~~1-~~ a. A personal exemption credit in the following  
121 27 amounts:

121 28 ~~a-~~ (1) For an estate or trust, a single individual, or a  
121 29 married person filing a separate return, forty dollars.

121 30 ~~b-~~ (2) For a head of household, or a husband and wife  
121 31 filing a joint return, eighty dollars.

121 32 ~~c-~~ (3) For each dependent, an additional forty dollars.

121 33 ~~As used in this section, the term "dependent" has the same~~  
121 34 ~~meaning as provided by the Internal Revenue Code.~~

121 35 ~~d-~~ (4) For a single individual, husband, wife, or head of  
122 1 household, an additional exemption of twenty dollars for each  
122 2 of said individuals who has attained the age of sixty=five  
122 3 years before the close of the tax year or on the first day  
122 4 following the end of the tax year.

122 5 ~~e-~~ (5) For a single individual, husband, wife, or head of  
122 6 household, an additional exemption of twenty dollars for each  
122 7 of said individuals who is blind at the close of the tax year.  
122 8 For the purposes of this ~~paragraph~~ ~~subparagraph~~, an individual  
122 9 is blind only if the individual's central visual acuity does  
122 10 not exceed twenty=two hundredths in the better eye with  
122 11 correcting lenses, or if the individual's visual acuity is  
122 12 greater than twenty=two hundredths but is accompanied by a  
122 13 limitation in the fields of vision such that the widest  
122 14 diameter of the visual field subtends an angle no greater than  
122 15 twenty degrees.

122 16 ~~2-~~ b. A tuition credit equal to twenty=five percent of  
122 17 the first one thousand dollars which the taxpayer has paid to  
122 18 others for each dependent in grades kindergarten through  
122 19 twelve, for tuition and textbooks of each dependent in  
122 20 attending an elementary or secondary school situated in Iowa,  
122 21 which school is accredited or approved under section 256.11,  
122 22 which is not operated for profit, and which adheres to the  
122 23 provisions of the federal Civil Rights Act of 1964 and chapter  
122 24 216. ~~As used in this subsection, "textbooks" means books and~~

~~122 25 other instructional materials and equipment used in elementary  
122 26 and secondary schools in teaching only those subjects legally  
122 27 and commonly taught in public elementary and secondary schools  
122 28 in this state and does not include instructional books and  
122 29 materials used in the teaching of religious tenets, doctrines,  
122 30 or worship, the purpose of which is to inculcate those tenets,  
122 31 doctrines, or worship. "Textbooks" includes books or  
122 32 materials used for extracurricular activities including  
122 33 sporting events, musical or dramatic events, speech  
122 34 activities, driver's education, or programs of a similar  
122 35 nature. Notwithstanding any other provision, all other  
123 1 credits allowed under this section subsection shall be  
123 2 deducted before the tuition credit under this subsection  
123 3 paragraph. The department, when conducting an audit of a  
123 4 taxpayer's return, shall also audit the tuition tax credit  
123 5 portion of the tax return.~~

~~123 6 As used in this subsection, "tuition" means any charges for  
123 7 the expenses of personnel, buildings, equipment and materials  
123 8 other than textbooks, and other expenses of elementary or  
123 9 secondary schools which relate to the teaching only of those  
123 10 subjects legally and commonly taught in public elementary and  
123 11 secondary schools in this state and which do not relate to the  
123 12 teaching of religious tenets, doctrines, or worship, the  
123 13 purpose of which is to inculcate those tenets, doctrines, or  
123 14 worship. "Tuition" includes those expenses which relate to  
123 15 extracurricular activities including sporting events, musical  
123 16 or dramatic events, speech activities, driver's education, or  
123 17 programs of a similar nature.~~

123 18 3. For the purpose of this section, the determination of  
123 19 whether an individual is married shall be made in accordance  
123 20 with section 7703 of the Internal Revenue Code.

123 21 Sec. 141. Section 422.35, subsections 6 and 6A, Code 2009,  
123 22 are amended to read as follows:

123 23 6. a. If the taxpayer is a small business corporation,  
123 24 subtract an amount equal to sixty-five percent of the wages  
123 25 paid to individuals, but not to exceed twenty thousand dollars  
123 26 per individual, named in paragraphs "a", "b", and "c"  
123 27 subparagraphs (1), (2), and (3) who were hired for the first  
123 28 time by the taxpayer during the tax year for work done in this  
123 29 state:

123 30 a. (1) An individual with a disability domiciled in this  
123 31 state at the time of the hiring who meets any of the following  
123 32 conditions:

123 33 (1) (a) Has a physical or mental impairment which  
123 34 substantially limits one or more major life activities.

123 35 (2) (b) Has a record of that impairment.

124 1 (3) (c) Is regarded as having that impairment.

124 2 b. (2) An individual domiciled in this state at the time  
124 3 of the hiring who meets any of the following conditions:

124 4 (1) (a) Has been convicted of a felony in this or any  
124 5 other state or the District of Columbia.

124 6 (2) (b) Is on parole pursuant to chapter 906.

124 7 (3) (c) Is on probation pursuant to chapter 907, for an  
124 8 offense other than a simple misdemeanor.

124 9 (4) (d) Is in a work release program pursuant to chapter  
124 10 904, division IX.

124 11 c. (3) An individual, whether or not domiciled in this  
124 12 state at the time of the hiring, who is on parole or probation  
124 13 and to whom the interstate probation and parole compact under  
124 14 section 907A.1, Code 2001, applies, or to whom the interstate  
124 15 compact for adult offender supervision under chapter 907B  
124 16 applies.

124 17 b. This deduction is allowed for the wages paid to the  
124 18 individuals successfully completing a probationary period  
124 19 named in paragraphs paragraph "a", "b", and "c" subparagraphs  
124 20 (1), (2), and (3) during the twelve months following the date  
124 21 of first employment by the taxpayer and shall be deducted in  
124 22 the tax years when paid.

124 23 c. For purposes of this subsection, ~~"physical:~~

124 24 (1) "Physical or mental impairment" means any  
124 25 physiological disorder or condition, cosmetic disfigurement,  
124 26 or anatomical loss affecting one or more of the body systems  
124 27 or any mental or psychological disorder, including mental  
124 28 retardation, organic brain syndrome, emotional or mental  
124 29 illness, and specific learning disabilities.

124 30 (2) (a) ~~For purposes of this subsection, "small "Small~~  
124 31 business" means a profit or nonprofit business, including but  
124 32 not limited to an individual, partnership, corporation, joint  
124 33 venture, association, or cooperative, to which the following  
124 34 apply:

124 35 (1) (i) It is not an affiliate or subsidiary of a

125 1 business dominant in its field of operation.  
125 2 ~~(2)~~ (ii) It has either twenty or fewer full-time  
125 3 equivalent positions or not more than the equivalent of three  
125 4 million dollars in annual gross revenues as computed for the  
125 5 preceding fiscal year or as the average of the three preceding  
125 6 fiscal years.

125 7 ~~(3)~~ (iii) It does not include the practice of a  
125 8 profession.

125 9 (b) "Small business" includes an employee-owned business  
125 10 which has been an employee-owned business for less than three  
125 11 years or which meets the conditions of ~~subparagraphs (1)~~  
~~125 12 through (3) subparagraph division (a), subparagraph~~  
125 13 subdivisions (i) through (iii).

125 14 (c) For purposes of this definition, "dominant in its  
125 15 field of operation" means having more than twenty full-time  
125 16 equivalent positions and more than three million dollars in  
125 17 annual gross revenues, and "affiliate or subsidiary of a  
125 18 business dominant in its field of operation" means a business  
125 19 which is at least twenty percent owned by a business dominant  
125 20 in its field of operation, or by partners, officers,  
125 21 directors, majority stockholders, or their equivalents, of a  
125 22 business dominant in that field of operation.

~~125 23 The department may, by resolution, waive any or all of the~~  
~~125 24 requirements of paragraph "b" in connection with a loan to a~~  
~~125 25 small business, as defined under applicable federal law and~~  
~~125 26 regulations that have been enacted or adopted by April 1,~~  
~~125 27 1983, in which federal assistance, insurance, or guaranties~~  
~~125 28 are sought.~~

125 29 6A. a. If the taxpayer is a business corporation and does  
125 30 not qualify for the adjustment under subsection 6, subtract an  
125 31 amount equal to sixty-five percent of the wages paid to  
125 32 individuals, but shall not exceed twenty thousand dollars per  
125 33 individual, named in ~~paragraphs "a" and "b" subparagraphs (1)~~  
125 34 and (2) who were hired for the first time by the taxpayer  
125 35 during the tax year for work done in this state:

126 1 ~~a-~~ (1) An individual domiciled in this state at the time  
126 2 of the hiring who meets any of the following conditions:

126 3 ~~(1)~~ (a) Has been convicted of a felony in this or any  
126 4 other state or the District of Columbia.

126 5 ~~(2)~~ (b) Is on parole pursuant to chapter 906.

126 6 ~~(3)~~ (c) Is on probation pursuant to chapter 907, for an  
126 7 offense other than a simple misdemeanor.

126 8 ~~(4)~~ (d) Is in a work release program pursuant to chapter  
126 9 904, division IX.

126 10 ~~b-~~ (2) An individual, whether or not domiciled in this  
126 11 state at the time of the hiring, who is on parole or probation  
126 12 and to whom the interstate probation and parole compact under  
126 13 section 907A.1, Code 2001, applies, or to whom the interstate  
126 14 compact for adult offender supervision under chapter 907B  
126 15 applies.

126 16 b. This deduction is allowed for the wages paid to the  
126 17 individuals successfully completing a probationary period  
126 18 named in ~~paragraphs "a" and "b" paragraph "a", subparagraphs~~  
126 19 (1) and (2) during the twelve months following the date of  
126 20 first employment by the taxpayer and shall be deducted in the  
126 21 tax years when paid.

126 22 c. The department shall develop and distribute information  
126 23 concerning the deduction available for businesses employing  
126 24 persons named in ~~paragraphs "a" and "b" paragraph "a",~~  
126 25 subparagraphs (1) and (2).

126 26 Sec. 142. Section 422.35, subsection 20, unnumbered  
126 27 paragraph 1, Code 2009, is amended to read as follows:

126 28 A taxpayer may elect not to take the increased expensing  
126 29 allowance under section 179 of the Internal Revenue Code, as  
126 30 amended by Pub. L. No. 108=27, section 202, in computing  
126 31 taxable income for state tax purposes. If the taxpayer does  
126 32 not take the increased expensing allowance under section 179  
126 33 of the Internal Revenue Code for state tax purposes, the  
126 34 following adjustments shall be made:

126 35 Sec. 143. Section 422.35, subsection 24, Code 2009, is  
127 1 amended to read as follows:

127 2 24. A taxpayer is allowed to take the increased expensing  
127 3 allowance under section 179 of the Internal Revenue Code, as  
127 4 amended by Pub. L. No. 110=185, in computing taxable income  
127 5 for state tax purposes.

127 6 Sec. 144. Section 423.3, subsection 57, unnumbered  
127 7 paragraphs 1 and 2, Code 2009, are amended to read as follows:

127 8 The sales price from all sales of food and food  
127 9 ingredients. However, as used in this subsection, ~~"food" does~~  
127 10 a sale of "food and food ingredients" does not include a sale  
127 11 of alcoholic beverages, candy, or dietary supplements; food

127 12 sold through vending machines; ~~or sales of prepared food,~~  
127 13 soft drinks, ~~and or~~ tobacco. For the purposes of this  
127 14 subsection:

127 15 ~~For the purposes of this subsection:~~

127 16 Sec. 145. Section 435.1, subsections 3 through 7, Code  
127 17 2009, are amended to read as follows:

127 18 3. "Manufactured home" means a factory-built structure  
127 19 built under authority of 42 U.S.C. } 5403, that is required by  
127 20 federal law to display a seal from the United States  
127 21 department of housing and urban development, and was  
127 22 constructed on or after June 15, 1976. ~~If a manufactured home~~  
127 23 ~~is placed in a manufactured home community or a mobile home~~  
127 24 ~~park, the home must be titled and is subject to the~~  
127 25 ~~manufactured or mobile home square foot tax. If a~~  
127 26 ~~manufactured home is placed outside a manufactured home~~  
127 27 ~~community or a mobile home park, the home must be titled and~~  
127 28 ~~is to be assessed and taxed as real estate.~~

127 29 4. "Manufactured home community" means the same as  
127 30 land-leased community defined in sections 335.30A and 414.28A.  
127 31 The term "manufactured home community" shall not be construed  
127 32 to include manufactured or mobile homes, buildings, tents, or  
127 33 other structures temporarily maintained by any individual,  
127 34 educational institution, or company on their own premises and  
127 35 used exclusively to house their own labor or students.

128 1 5. "Mobile home" means any vehicle without motive power  
128 2 used or so manufactured or constructed as to permit its being  
128 3 used as a conveyance upon the public streets and highways and  
128 4 so designed, constructed, or reconstructed as will permit the  
128 5 vehicle to be used as a place for human habitation by one or  
128 6 more persons; but shall also include any such vehicle with  
128 7 motive power not registered as a motor vehicle in Iowa. A  
128 8 "mobile home" is not built to a mandatory building code,  
128 9 contains no state or federal seals, and was built before June  
128 10 15, 1976. ~~If a mobile home is placed outside a mobile home~~  
128 11 ~~park, the home is to be assessed and taxed as real estate.~~

128 12 6. "Mobile home park" means a site, lot, field, or tract  
128 13 of land upon which three or more mobile homes or manufactured  
128 14 homes, or a combination of any of these homes, are placed on  
128 15 developed spaces and operated as a for-profit enterprise with  
128 16 water, sewer or septic, and electrical services available.  
128 17 The term "mobile home park"  
128 18 ~~The term "manufactured home community" or "mobile home~~  
128 19 ~~park" shall not be construed to include manufactured or mobile~~  
128 20 ~~homes, buildings, tents, or other structures temporarily~~  
128 21 ~~maintained by any individual, educational institution, or~~  
128 22 ~~company on their own premises and used exclusively to house~~  
128 23 ~~their own labor or students.~~

128 24 ~~A manufactured home community or a mobile home park must be~~  
128 25 ~~classified as to whether it is a residential manufactured home~~  
128 26 ~~community or a mobile home park or a recreational manufactured~~  
128 27 ~~home community or a mobile home park or both. The~~  
128 28 ~~manufactured home communities or mobile home parks residential~~  
128 29 ~~landlord and tenant Act, chapter 562B, only applies to~~  
128 30 ~~residential manufactured home communities or mobile home~~  
128 31 ~~parks.~~

128 32 7. "Modular home" means a factory-built structure which is  
128 33 manufactured to be used as a place of human habitation, is  
128 34 constructed to comply with the Iowa state building code for  
128 35 modular factory-built structures, as adopted pursuant to  
129 1 section 103A.7, and must display the seal issued by the state  
129 2 building code commissioner. ~~If a modular home is placed in a~~  
129 3 ~~manufactured home community or mobile home park, the home is~~  
129 4 ~~subject to the annual tax as required by section 435.22. If a~~  
129 5 ~~modular home is placed outside a manufactured home community~~  
129 6 ~~or a mobile home park, the home shall be considered real~~  
129 7 ~~property and is to be assessed and taxed as real estate.~~

129 8 Sec. 146. NEW SECTION. 435.2 PLACEMENT AND TAXATION.

129 9 1. If a mobile home is placed outside a mobile home park,  
129 10 the home is to be assessed and taxed as real estate.

129 11 2. If a manufactured home is placed in a manufactured home  
129 12 community or a mobile home park, the home must be titled and  
129 13 is subject to the manufactured or mobile home square foot tax.  
129 14 If a manufactured home is placed outside a manufactured home  
129 15 community or a mobile home park, the home must be titled and  
129 16 is to be assessed and taxed as real estate.

129 17 3. If a modular home is placed in a manufactured home  
129 18 community or mobile home park, the home is subject to the  
129 19 annual tax as required by section 435.22. If a modular home  
129 20 is placed outside a manufactured home community or a mobile  
129 21 home park, the home shall be considered real property and is  
129 22 to be assessed and taxed as real estate. This subsection does

129 23 not apply to manufactured home communities or mobile home  
129 24 parks in existence on or before January 1, 1998. If a modular  
129 25 home is placed in a manufactured home community or mobile home  
129 26 park which was in existence on or before January 1, 1998, that  
129 27 modular home shall be subject to property tax pursuant to  
129 28 section 435.22.

129 29 Sec. 147. Section 435.26, subsection 1, paragraph a, Code  
129 30 2009, is amended to read as follows:

129 31 a. A mobile home or manufactured home which is located  
129 32 outside a manufactured home community or mobile home park  
129 33 shall be converted to real estate by being placed on a  
129 34 permanent foundation and shall be assessed for real estate  
129 35 taxes. A home, after conversion to real estate, is eligible  
130 1 for the homestead tax credit and the military service tax  
130 2 exemption as provided in sections 425.2 and 426A.11. A  
130 3 taxable mobile home or manufactured home which is located  
130 4 outside of a manufactured home community or mobile home park  
130 5 as of January 1, 1995, is also exempt from the permanent  
130 6 foundation requirements of this chapter until the home is  
130 7 relocated.

130 8 Sec. 148. Section 437A.3, subsection 29, Code 2009, is  
130 9 amended to read as follows:

130 10 29. "Taxable value" means as defined in section 437A.19,  
130 11 subsection 2, paragraph "f" "e".

130 12 Sec. 149. Section 437A.15, subsection 3, paragraph e, Code  
130 13 2009, is amended to read as follows:

130 14 e. Notwithstanding the provisions of this section, if  
130 15 during the tax year a person who was not a taxpayer during the  
130 16 prior tax year acquires a new major addition, as defined in  
130 17 section 437A.3, subsection 18, paragraph "a", subparagraph  
130 18 (4), the replacement tax associated with that major addition  
130 19 shall be allocated, for that tax year, under this section in  
130 20 accordance with the general allocating formula on the basis of  
130 21 the general property tax equivalents established under  
130 22 paragraph "a" of this subsection, except that the levy rates  
130 23 established and reported to the department of management on or  
130 24 before June 30 following the tax year in which the major  
130 25 addition was acquired shall be applied to the prorated  
130 26 assessed value of the major addition ~~and provided that section~~  
130 27 ~~437A.19, subsection 2, paragraph "b", subparagraph (2), is in~~  
130 28 ~~any event applicable.~~ For purposes of this paragraph,  
130 29 "prorated assessed value of the major addition" means the  
130 30 assessed value of the major addition as of January 1 of the  
130 31 year following the tax year in which the major addition was  
130 32 acquired multiplied by the percentage derived by dividing the  
130 33 number of months that the major addition existed during the  
130 34 tax year by twelve, counting any portion of a month as a full  
130 35 month.

131 1 Sec. 150. Section 437A.19, subsection 2, Code 2009, is  
131 2 amended to read as follows:

131 3 2. a. Beginning January 1, 1999, the assessed value of  
131 4 taxpayer property shall be adjusted annually as provided in  
131 5 this section. The director, with respect to each taxpayer,  
131 6 shall do all of the following:

131 7 a- (1) Adjust the assessed value of taxpayer property in  
131 8 each local taxing district by the change in book value during  
131 9 the preceding calendar year of the local amount of any major  
131 10 addition reported within such local taxing district.

131 11 b- (2) Adjust the assessed value of taxpayer property in  
131 12 each local taxing district by allocating the change in book  
131 13 value during the preceding calendar year of the statewide  
131 14 amount and all other taxpayer property described in subsection  
131 15 1, paragraph "a", subparagraph (5), to the assessed value of  
131 16 all taxpayer property in the state pro rata according to its  
131 17 preadjustment value. Any value for a taxpayer owning, or  
131 18 owning an interest in, a new electric power generating plant  
131 19 in excess of a local amount, where such taxpayer owns no other  
131 20 taxpayer property in this state, shall not be allocated to any  
131 21 local taxing districts.

131 22 c- (3) In the case of taxpayer property described in  
131 23 subsection 1, paragraph "a", subparagraphs (3), (4), and (7),  
131 24 decrease the assessed value of taxpayer property in each local  
131 25 taxing district by the assessed value reported within such  
131 26 local taxing district.

131 27 d- (4) In the event of a merger or consolidation of two  
131 28 or more taxpayers, to determine the assessed value of the  
131 29 surviving taxpayer, combine the assessed values of such  
131 30 taxpayers immediately prior to the merger or consolidation.

131 31 e- (5) In the event any taxpayer property is eligible for  
131 32 the urban revitalization tax exemption described in chapter  
131 33 404, adjust the assessed value of taxpayer property within

131 34 each affected local taxing district to reflect such exemption.  
131 35 ~~f-~~ (6) In the event the base year assessed value of  
132 1 taxpayer property is adjusted as a result of taxpayer appeals,  
132 2 reduce the assessed value of taxpayer property in each local  
132 3 taxing district to reflect such adjustment. The adjustment  
132 4 shall be allocated in proportion to the allocation of the  
132 5 taxpayer's assessed value among the local taxing districts  
132 6 determined without regard to this adjustment. An adjustment  
132 7 to the base year assessed value of taxpayer property shall be  
132 8 made as of January 1 of the year following the date on which  
132 9 the adjustment is finally determined.

132 10 b. In no event shall the adjustments set forth in this  
132 11 subsection reduce the assessed value of taxpayer property in  
132 12 any local taxing district below zero.

132 13 c. The director, on or before August 31 of each assessment  
132 14 year, shall report to the department of management and to the  
132 15 auditor of each county the adjusted assessed value of taxpayer  
132 16 property as of January 1 of such assessment year for each  
132 17 local taxing district. For purposes of this subsection, the  
132 18 assessed value of taxpayer property in each local taxing  
132 19 district subject to adjustment under this section by the  
132 20 director means the assessed value of such property as of the  
132 21 preceding January 1 as determined and allocated among the  
132 22 local taxing districts by the director.

132 23 d. Nothing in this chapter shall be interpreted to  
132 24 authorize local taxing authorities to exclude from the  
132 25 calculation of levy rates the taxable value of taxpayer  
132 26 property reported to county auditors pursuant to this  
132 27 subsection.

132 28 e. In addition to reporting the assessed values as  
132 29 described in this subsection, the director, on or before  
132 30 October 31 of each assessment year, shall also report to the  
132 31 department of management and to the auditor of each county the  
132 32 taxable value of taxpayer property as of January 1 of such  
132 33 assessment year for each local taxing district. For purposes  
132 34 of this chapter, "taxable value" means the value for all  
132 35 property subject to the replacement tax annually determined by  
133 1 the director, by dividing the estimated annual replacement tax  
133 2 liability for that property by the prior year's consolidated  
133 3 taxing district rate for the taxing district where that  
133 4 property is located, then multiplying the quotient by one  
133 5 thousand. A taxpayer who paid more than five hundred thousand  
133 6 dollars in replacement tax in the previous tax year or who  
133 7 believes their replacement tax liability will vary more than  
133 8 ten percent from the previous tax year shall report to the  
133 9 director by October 1 of the current calendar year, on forms  
133 10 prescribed by the director, the estimated replacement tax  
133 11 liability that will be attributable to all of the taxpayer's  
133 12 property subject to replacement tax for the current tax year.  
133 13 The department shall utilize the estimated replacement tax  
133 14 liability as reported by the taxpayer or the taxpayer's prior  
133 15 year's replacement tax amounts to estimate the current tax  
133 16 year's taxable value for that property. Furthermore, a  
133 17 taxpayer who has a new major addition of operating property  
133 18 which is put into service for the first time in the current  
133 19 calendar year shall report to the director by October 1 of the  
133 20 current calendar year, or at the time the major addition is  
133 21 put into service, whichever time is later, on forms prescribed  
133 22 by the director, the cost of the major addition and, if not  
133 23 previously reported, shall report the estimated replacement  
133 24 taxes which that asset will generate in the current calendar  
133 25 year. For the purposes of computing the taxable value of  
133 26 property in a taxing district, the taxing district's share of  
133 27 the estimated replacement tax liability shall be the taxing  
133 28 district's percentage share of the "assessed value allocated  
133 29 by property tax equivalent" multiplied by the total estimated  
133 30 replacement tax. "Assessed value allocated by property tax  
133 31 equivalent" shall be determined by dividing the taxpayer's  
133 32 current year assessed valuation in a taxing district by one  
133 33 thousand, and then multiplying by the prior year's  
133 34 consolidated tax rate.

133 35 Sec. 151. Section 450.7, subsection 1, Code 2009, is  
134 1 amended to read as follows:

134 2 1. ~~Except for the share of the estate passing to the~~  
134 3 ~~surviving spouse, and parents, grandparents,~~  
134 4 ~~great-grandparents, and other lineal ascendants, children~~  
134 5 ~~including legally adopted children and biological children~~  
134 6 ~~entitled to inherit under the laws of this state,~~  
134 7 ~~stepchildren, and grandchildren, great-grandchildren, and~~  
134 8 ~~other lineal descendants, the~~ The tax imposed by this chapter  
134 9 is a charge against and a lien upon the estate subject to tax

134 10 under this chapter, and all property of the estate or owned by  
134 11 the decedent from the death of the decedent until paid,  
134 12 subject to the following ~~limitation~~ limitations:

134 13 a. The share of the estate passing to the surviving  
134 14 spouse, and parents, grandparents, great-grandparents, and  
134 15 other lineal ascendants, children including legally adopted  
134 16 children and biological children entitled to inherit under the  
134 17 laws of this state, stepchildren, and grandchildren,  
134 18 great-grandchildren, and other lineal descendants is excluded  
134 19 from taxation under this chapter.

134 20 b. Inheritance taxes owing with respect to a passing of  
134 21 property of a deceased person are no longer a lien against the  
134 22 property ten years from the date of death of the decedent  
134 23 owner regardless of whether the decedent owner died prior to  
134 24 or subsequent to July 1, 1995, except to the extent taxes are  
134 25 attributable to remainder or deferred interests and are  
134 26 deferred in accordance with the provisions of this chapter.

134 27 Sec. 152. Section 455A.8, subsection 1, Code 2009, is  
134 28 amended to read as follows:

134 29 1. a. The Brushy creek recreation trails advisory board  
134 30 shall be organized within the department and shall be composed  
134 31 of ~~ten~~ nine voting members including the following: the and  
134 32 one ex officio nonvoting member as follows:

134 33 (1) The director of the department or the director's  
134 34 designee who shall serve as ~~a~~ the nonvoting ex officio member,  
134 35 the

135 1 (2) The park employee who is primarily responsible for  
135 2 maintenance of the Brushy creek recreation area, ~~a~~

135 3 (3) A member of the state advisory board for preserves  
135 4 established under chapter 465C, ~~and seven~~.

135 5 (4) Seven persons appointed by the natural resource  
135 6 commission.

135 7 b. The director shall provide the natural resource  
135 8 commission with nominations of prospective board members.  
135 9 Each person appointed by the natural resource commission must  
135 10 actively participate in recreational trail activities such as  
135 11 hiking, bicycling, an equestrian sport, or a winter sport at  
135 12 the Brushy creek recreation area. The nine voting members  
135 13 shall elect a chairperson at the board's first meeting each  
135 14 year.

135 15 Sec. 153. Section 455B.191, Code 2009, is amended to read  
135 16 as follows:

135 17 455B.191 PENALTIES == BURDEN OF PROOF.

135 18 1. As used in this section, "hazardous substance" means  
135 19 hazardous substance as defined in section 455B.381 or section  
135 20 455B.411.

135 21 ~~1.~~ 2. Any person who violates any provision of part 1 of  
135 22 division III of this chapter or any permit, rule, standard, or  
135 23 order issued under part 1 of division III of this chapter  
135 24 shall be subject to a civil penalty not to exceed five  
135 25 thousand dollars for each day of such violation.

135 26 ~~2.~~ 3. a. Any person who negligently or knowingly  
135 27 violates ~~does~~ any of the following shall, upon conviction, be  
135 28 punished as provided in paragraph "b" or "c":

135 29 (1) Violates section 455B.183 or section 455B.186 or any  
135 30 condition or limitation included in any permit issued under  
135 31 section 455B.183, ~~or who negligently or knowingly introduces.~~

135 32 (2) Introduces into a sewer system or into a publicly  
135 33 owned treatment works any pollutant or hazardous substance  
135 34 which the person knew or reasonably should have known could  
135 35 cause personal injury or property damage or, other than in  
136 1 compliance with all applicable federal and state requirements  
136 2 or permits, ~~negligently or knowingly causes.~~

136 3 (3) Causes a treatment works to violate any water quality  
136 4 standard, effluent standard, pretreatment standard or  
136 5 condition of a permit issued to the treatment works pursuant  
136 6 to section 455B.183 ~~is guilty of a serious misdemeanor for a~~  
136 7 ~~negligent violation and is guilty of an aggravated misdemeanor~~  
136 8 ~~for a knowing violation. A conviction for a negligent~~  
136 9 ~~violation is~~

136 10 b. (1) A person who commits a negligent violation under  
136 11 this subsection is guilty of a serious misdemeanor punishable  
136 12 by a fine of not more than twenty-five thousand dollars for  
136 13 each day of violation or by imprisonment for not more than one  
136 14 year, or both, ~~however, if.~~

136 15 (2) If the conviction is for a second or subsequent  
136 16 violation committed by a person under this subsection, the  
136 17 conviction is punishable by a fine of not more than fifty  
136 18 thousand dollars for each day of violation or by imprisonment  
136 19 for not more than two years, or both.

136 20 c. (1) A ~~conviction for a~~ person who commits a knowing

136 21 violation ~~is~~ under this subsection is guilty of an aggravated  
136 22 misdemeanor punishable by a fine of not more than fifty  
136 23 thousand dollars for each day of violation or by imprisonment  
136 24 for not more than two years, or both; ~~however, if,~~

136 25 (2) If the conviction is for a second or subsequent  
136 26 violation committed by a person under this subsection, the  
136 27 conviction is punishable by a fine of not more than one  
136 28 hundred thousand dollars for each day of violation or by  
136 29 imprisonment for not more than five years, or both. ~~As used~~  
136 30 ~~in this section, "hazardous substance" means hazardous~~  
136 31 ~~substance as defined in section 455B.381 or section 455B.411.~~

136 32 ~~3-~~ 4. Any person who knowingly makes any false statement,  
136 33 representation, or certification in any application, record,  
136 34 report, plan or other document filed or required to be  
136 35 maintained under part 1 of division III of this chapter, or  
137 1 who falsifies, tampers with or knowingly renders inaccurate  
137 2 any monitoring device or method required to be maintained  
137 3 under part 1 of division III of this chapter or by any permit,  
137 4 rule, regulation, or order issued under part 1 of division III  
137 5 of this chapter, shall upon conviction be punished by a fine  
137 6 of not more than ten thousand dollars or by imprisonment in  
137 7 the county jail for not more than six months or by both such  
137 8 fine and imprisonment.

137 9 ~~4-~~ 5. The attorney general shall, at the request of the  
137 10 director with approval of the commission, institute any legal  
137 11 proceedings, including an action for an injunction or a  
137 12 temporary injunction, necessary to enforce the penalty  
137 13 provisions of part 1 of division III of this chapter or to  
137 14 obtain compliance with the provisions of part 1 of division  
137 15 III of this chapter or any rules promulgated or any provision  
137 16 of any permit issued under part 1 of division III of this  
137 17 chapter. In any such action, any previous findings of fact of  
137 18 the director or the commission after notice and hearing shall  
137 19 be conclusive if supported by substantial evidence in the  
137 20 record when the record is viewed as a whole.

137 21 ~~5-~~ 6. In all proceedings with respect to any alleged  
137 22 violation of the provisions of this part 1 of division III or  
137 23 any rule established by the commission or the department, the  
137 24 burden of proof shall be upon the commission or the department  
137 25 except in an action for contempt as provided in section  
137 26 455B.182.

137 27 ~~6-~~ 7. If the attorney general has instituted legal  
137 28 proceedings in accordance with this section, all related  
137 29 issues which could otherwise be raised by the alleged violator  
137 30 in a proceeding for judicial review under section 455B.178  
137 31 shall be raised in the legal proceedings instituted in  
137 32 accordance with this section.

137 33 Sec. 154. Section 455G.4, subsection 6, Code 2009, is  
137 34 amended to read as follows:

137 35 6. REPORTING. Beginning July 2003, the board shall submit  
138 1 a written report quarterly to the legislative council, the  
138 2 chairperson and ranking member of the committee on ~~natural~~  
138 3 ~~resources and environment and energy independence~~ in the  
138 4 senate, and the chairperson and ranking member of the  
138 5 committee on environmental protection in the house of  
138 6 representatives regarding changes in the status of the program  
138 7 including, but not limited to, the number of open claims by  
138 8 claim type; the number of new claims submitted and the  
138 9 eligibility status of each claim; a summary of the risk  
138 10 classification of open claims; the status of all claims at  
138 11 high-risk sites including the number of corrective action  
138 12 design reports submitted, approved, and implemented during the  
138 13 reporting period; total moneys reserved on open claims and  
138 14 total moneys paid on open claims; and a summary of budgets  
138 15 approved and invoices paid for high-risk site activities  
138 16 including a breakdown by corrective action design report,  
138 17 construction and equipment, implementation, operation and  
138 18 maintenance, monitoring, over excavation, free product  
138 19 recovery, site reclassification, reporting and other expenses,  
138 20 or a similar breakdown. In each report submitted by the  
138 21 board, the board shall include an estimated timeline to  
138 22 complete corrective action at all currently eligible high-risk  
138 23 sites where a corrective action design report has been  
138 24 submitted by a claimant and approved during the reporting  
138 25 period. The timeline shall include the projected year when a  
138 26 no further action designation will be obtained based upon the  
138 27 corrective action activities approved or anticipated at each  
138 28 claimant site. The timeline shall be broken down in annual  
138 29 increments with the number or percentage of sites projected to  
138 30 be completed for each time period. The report shall identify  
138 31 and report steps taken to expedite corrective action and

138 32 eliminate the state's liability for open claims.  
138 33 Sec. 155. Section 456A.26, Code 2009, is amended to read  
138 34 as follows:  
138 35 456A.26 INTERPRETATION AND LIMITATIONS.  
139 1 ~~The foregoing sections Sections 456A.23 through 456A.25~~  
139 2 shall not be construed as authorizing the commission to change  
139 3 any penalty for violating any game law or regulation, or  
139 4 change the amount of any license established by the  
139 5 legislature, or to promulgate any open season on any fish,  
139 6 animal or bird contrary to the laws of the state of Iowa, or  
139 7 to extend except as provided in this chapter any open season  
139 8 or bag limit on any kind of fish, game, fur-bearing animals or  
139 9 of any birds prescribed by the laws of the state of Iowa or by  
139 10 federal laws or regulations, or to contract any indebtedness  
139 11 or obligation beyond the funds to which they are lawfully  
139 12 entitled.  
139 13 Sec. 156. Section 461B.8, Code 2009, is amended to read as  
139 14 follows:  
139 15 461B.8 ACTUAL SERVICE WITHIN THIS STATE.  
139 16 ~~The foregoing provisions of this chapter~~ relative to  
139 17 service of original notice of suit on nonresidents shall not  
139 18 be deemed to prevent actual personal service in this state  
139 19 upon the nonresident in the time, manner, form and under the  
139 20 conditions provided for service on residents.  
139 21 Sec. 157. Section 476.6, subsection 20, Code 2009, is  
139 22 amended by striking the subsection.  
139 23 Sec. 158. Section 483A.27, subsections 1 and 11, Code  
139 24 2009, are amended to read as follows:  
139 25 1. A person born after January 1, 1972, shall not obtain a  
139 26 hunting license unless the person has satisfactorily completed  
139 27 a hunter safety and ethics education course approved by the  
139 28 commission. A person who is eleven years of age or more may  
139 29 enroll in an approved hunter safety and ethics education  
139 30 course, but a person who is eleven years of age and who has  
139 31 successfully completed the course shall be issued a  
139 32 certificate of completion which becomes valid on the person's  
139 33 twelfth birthday. A certificate of completion from an  
139 34 approved hunter safety and ethics education course issued in  
139 35 this state, or a certificate issued by another state, country,  
140 1 or province for completion of a course that meets the  
140 2 standards adopted by the international hunter education  
140 3 association, is valid for the requirements of this section.  
140 4 11. An instructor certified by the department shall be  
140 5 allowed to conduct a ~~departmental approved~~ department=approved  
140 6 hunter safety and ethics education course or shooting sports  
140 7 activities course on public school property with the approval  
140 8 of a majority of the board of directors of the school  
140 9 district. Conducting an approved hunter safety and ethics  
140 10 education course or shooting sports activities course is not a  
140 11 violation of any public policy, rule, regulation, resolution,  
140 12 or ordinance which prohibits the possession, display, or use  
140 13 of a firearm, bow and arrow, or other hunting weapon on public  
140 14 school property or other public property in this state.  
140 15 Sec. 159. Section 489.108, subsection 3, unnumbered  
140 16 paragraph 1, Code 2009, is amended to read as follows:  
140 17 A limited liability company may apply to the secretary of  
140 18 state for authorization to use a name that does not comply  
140 19 with subsection 2. The secretary of state shall authorize use  
140 20 of the name applied for if, ~~as to each either~~ of the following  
140 21 ~~noncomplying names~~ applies:  
140 22 Sec. 160. Section 489.702, subsection 5, paragraph b,  
140 23 subparagraph (3), Code 2009, is amended to read as follows:  
140 24 (3) Within a reasonable time following the dissolution a  
140 25 person has not been appointed pursuant to subsection ~~3~~ 4.  
140 26 Sec. 161. Section 489.1203, subsection 10, paragraph a,  
140 27 Code 2009, is amended to read as follows:  
140 28 a. Except as otherwise provided in paragraph "b", if a  
140 29 member of a member=managed series or manager of a  
140 30 manager=managed series consents to a distribution made in  
140 31 violation of this section and in consenting to the  
140 32 distribution fails to comply with section 489.409, the member  
140 33 or manager is personally liable to the series for the amount  
140 34 of the distribution that exceeds the amount that could have  
140 35 been distributed without the violation of this section  
141 1 ~~489.405~~.  
141 2 Sec. 162. Section 489.1203, subsection 11, Code 2009, is  
141 3 amended to read as follows:  
141 4 11. A person that receives a distribution knowing that the  
141 5 distribution to that person was made in violation of this  
141 6 section ~~489.405~~ is personally liable to the limited liability  
141 7 company but only to the extent that the distribution received

141 8 by the person exceeded the amount that could have been  
141 9 properly paid under this section ~~409.405~~.

141 10 Sec. 163. Section 490.831, subsection 1, paragraph a,  
141 11 subparagraph (2), Code 2009, is amended to read as follows:

141 12 (2) The protection afforded by section 490.870 ~~precludes~~  
141 13 ~~does not preclude~~ liability.

141 14 Sec. 164. Section 496C.14, Code 2009, is amended to read  
141 15 as follows:

141 16 496C.14 REQUIRED PURCHASE BY PROFESSIONAL CORPORATION OF  
141 17 ITS OWN SHARES.

141 18 1. a. Notwithstanding any other statute or rule of law, a  
141 19 professional corporation shall purchase its own shares as  
141 20 provided in this section; and the shareholders of a  
141 21 professional corporation and their executors, administrators,  
141 22 legal representatives, and successors in interest shall sell  
141 23 and transfer the shares held by them as provided in this  
141 24 section.

141 25 b. The corporation may validly purchase its own shares  
141 26 even though its net assets are less than its stated capital,  
141 27 or even though by so doing its net assets would be reduced  
141 28 below its stated capital.

141 29 c. Upon the death of a shareholder, the professional  
141 30 corporation shall immediately purchase all shares held by the  
141 31 deceased shareholder.

141 32 2. In order to remain a shareholder of a professional  
141 33 corporation, a shareholder shall at all times be licensed to  
141 34 practice in this state a profession which the corporation is  
141 35 authorized to practice. Whenever any shareholder does not  
142 1 have or ceases to have this qualification, the corporation  
142 2 shall immediately purchase all shares held by that  
142 3 shareholder.

142 4 3. Whenever any person other than the shareholder of  
142 5 record becomes entitled to have shares of a corporation  
142 6 transferred into that person's name or to exercise voting  
142 7 rights, except as a proxy, with respect to shares of the  
142 8 corporation, the corporation shall immediately purchase such  
142 9 shares. Without limiting the generality of the foregoing,  
142 10 this section shall be applicable whether the event occurs as a  
142 11 result of the appointment of a guardian or conservator for a  
142 12 shareholder or the shareholder's property, transfer of shares  
142 13 by operation of law, involuntary transfer of shares, judicial  
142 14 proceedings, execution, levy, bankruptcy proceedings,  
142 15 receivership proceedings, foreclosure or enforcement of a  
142 16 pledge or encumbrance, or any other situation or occurrence.  
142 17 However, this section does not apply to any voluntary transfer  
142 18 of shares as defined in this chapter.

142 19 4. Shares purchased by the corporation under the  
142 20 provisions of this section shall be transferred to the  
142 21 corporation as of the close of business on the date of the  
142 22 death or other event which requires purchase. The shareholder  
142 23 and the shareholder's executors, administrators, legal  
142 24 representatives, or successors in interest shall promptly do  
142 25 all things which may be necessary or convenient to cause  
142 26 transfer to be made as of the transfer date. However, the  
142 27 shares shall promptly be transferred on the stock transfer  
142 28 books of the corporation as of the transfer date,  
142 29 notwithstanding any delay in transferring or surrendering the  
142 30 shares or certificates representing the shares, and the  
142 31 transfer shall be valid and effective for all purposes as of  
142 32 the close of business on the transfer date. The purchase  
142 33 price for such shares shall be paid as provided in this  
142 34 chapter, but the transfer of shares to the corporation as  
142 35 provided in this section shall not be delayed or affected by  
143 1 any delay or default in making payment.

143 2 5. ~~Notwithstanding the foregoing provisions of this~~  
~~143 3 section subsections 1 through 4,~~ purchase by the corporation  
143 4 is not required upon the occurrence of any event other than  
143 5 death of a shareholder if the corporation is dissolved or  
143 6 voluntarily elects to adopt the provisions of the Iowa  
143 7 business corporation Act, as provided in section 490.1701,  
143 8 subsection 2, within sixty days after the occurrence of the  
143 9 event. The articles of incorporation or bylaws may provide  
143 10 that purchase is not required upon the death of a shareholder  
143 11 if the corporation is dissolved within sixty days after the  
143 12 death. ~~Notwithstanding the foregoing provisions of this~~  
~~143 13 section subsections 1 through 4,~~ purchase by the corporation  
143 14 is not required upon the death of a shareholder if the  
143 15 corporation voluntarily elects to adopt the provisions of the  
143 16 Iowa business corporation Act, as provided in section  
143 17 490.1701, subsection 2, within sixty days after death.

143 18 6. Unless otherwise provided in the articles of

143 19 incorporation or bylaws or in an agreement among all  
143 20 shareholders of the professional corporation:  
143 21 ~~1-~~ a. The purchase price for shares shall be their book  
143 22 value as of the end of the month immediately preceding the  
143 23 death or other event which requires purchase. Book value  
143 24 shall be determined from the books and records of the  
143 25 professional corporation in accordance with the regular method  
143 26 of accounting used by the corporation, uniformly and  
143 27 consistently applied. Adjustments to book value shall be  
143 28 made, if necessary, to take into account work in process and  
143 29 accounts receivable. Any final determination of book value  
143 30 made in good faith by any independent certified public  
143 31 accountant or firm of certified public accountants employed by  
143 32 the corporation for the purpose shall be conclusive on all  
143 33 persons.

143 34 ~~2-~~ b. The purchase price shall be paid in cash as  
143 35 follows:

144 1 (1) Upon the death of a shareholder, thirty percent of the  
144 2 purchase price shall be paid within ninety days after death,  
144 3 and the balance shall be paid in three equal annual  
144 4 installments on the first three anniversaries of the death.

144 5 (2) Upon the happening of any other event referred to in  
144 6 this section, one-tenth of the purchase price shall be paid  
144 7 within ninety days after the date of such event, and the  
144 8 balance shall be paid in three equal annual installments on  
144 9 the first three anniversaries of the date of the event.

144 10 ~~3-~~ c. Interest from the date of death or other event  
144 11 shall be payable annually on principal payment dates, at the  
144 12 rate of six percent per annum on the unpaid balance of the  
144 13 purchase price.

144 14 ~~4-~~ d. All persons who are shareholders of the  
144 15 professional corporation on the date of death or other event,  
144 16 and their executors, administrators, and legal  
144 17 representatives, shall, to the extent the corporation fails to  
144 18 meet its obligations hereunder, be jointly liable for the  
144 19 payment of the purchase price and interest in proportion to  
144 20 their percentage of ownership of the corporation's shares,  
144 21 disregarding shares of the deceased or withdrawing  
144 22 shareholder.

144 23 ~~5-~~ e. The part of the purchase price remaining unpaid  
144 24 after the initial payment shall be evidenced by a negotiable  
144 25 promissory note, which shall be executed by the corporation  
144 26 and all shareholders liable for payment. Any person liable on  
144 27 the note shall have the right to prepay the note in full or in  
144 28 part at any time.

144 29 ~~6-~~ f. If the person making any payment is not reasonably  
144 30 able to determine which of two or more persons is entitled to  
144 31 receive a payment, or if the payment is payable to a person  
144 32 who is unknown, or who is under disability and there is no  
144 33 person legally competent to receive the payment, or who cannot  
144 34 be found after the exercise of reasonable diligence by the  
144 35 person making the payment, it shall be deposited with the  
145 1 treasurer of state and shall be subject to the provisions of  
145 2 the Iowa business corporation Act, chapter 490, with respect  
145 3 to funds deposited with the treasurer of state upon the  
145 4 voluntary or involuntary dissolution of a corporation.

145 5 ~~7-~~ g. Notwithstanding the provisions of this section, no  
145 6 part of the purchase price shall be required to be paid until  
145 7 the certificates representing such shares have been  
145 8 surrendered to the corporation.

145 9 ~~8-~~ h. Notwithstanding the provisions of this section,  
145 10 payment of any part of the purchase price for shares of a  
145 11 deceased shareholder shall not be required until the executor  
145 12 or administrator of the deceased shareholder provides any  
145 13 indemnity, release, or other document from any taxing  
145 14 authority, which is reasonably necessary to protect the  
145 15 corporation against liability for estate, inheritance, and  
145 16 death taxes.

145 17 7. The articles of incorporation or bylaws or an agreement  
145 18 among all shareholders of a professional corporation may  
145 19 provide for a different purchase price, a different method of  
145 20 determining the purchase price, a different interest rate or  
145 21 no interest, and other terms, conditions, and schedules of  
145 22 payment.

145 23 8. The articles of incorporation or bylaws or an agreement  
145 24 among all shareholders of a professional corporation may  
145 25 provide for the optional or mandatory purchase of its own  
145 26 shares by the corporation in other situations, subject to any  
145 27 applicable law regarding such purchase.

145 28 Sec. 165. Section 499.36A, subsection 1, Code 2009, is  
145 29 amended to read as follows:

145 30 1. A director shall discharge the duties of the position  
145 31 of director in good faith, in a manner the director reasonably  
145 32 believes to be in the best interests of the association, and  
145 33 with the care that a person in a like position would  
145 34 reasonably believe appropriate under similar circumstances. A  
145 35 person who so performs those duties is not liable by reason of  
146 1 being or having been a director of the ~~cooperative~~  
146 2 association.

146 3 Sec. 166. Section 502.602, subsection 3, unnumbered  
146 4 paragraph 1, Code 2009, is amended to read as follows:

146 5 If a person does not appear or refuses to testify, file a  
146 6 statement, or produce records, or otherwise does not obey a  
146 7 subpoena as required by the administrator under this chapter,  
146 8 the administrator may apply to the Polk county district court  
146 9 or the district court for the county in which the person  
146 10 resides or is located or a court of another state to enforce  
146 11 compliance. The court may do any of the following:

146 12 Sec. 167. Section 505.8, subsection 7, Code 2009, is  
146 13 amended to read as follows:

146 14 7. The commissioner shall have regulatory authority over  
146 15 health benefit plans and adopt rules under chapter 17A as  
146 16 necessary, to promote the uniformity, cost efficiency,  
146 17 transparency, and fairness of such plans for physicians and  
146 18 osteopathic physicians licensed under ~~chapters~~ chapter 148-  
146 19 150, and 150A, and hospitals licensed under chapter 135B, for  
146 20 the purpose of maximizing administrative efficiencies and  
146 21 minimizing administrative costs of health care providers and  
146 22 health insurers.

146 23 Sec. 168. Section 520.14, Code 2009, is amended to read as  
146 24 follows:

146 25 520.14 VIOLATIONS == EXCEPTIONS.

146 26 It shall be unlawful for an attorney to exchange contracts  
146 27 of insurance of the kind and character specified in this  
146 28 chapter, or for an attorney or representative of the attorney  
146 29 to solicit or negotiate any applications for the same without  
146 30 the attorney having first complied with the ~~foregoing~~  
146 31 provisions of sections 520.2 through 520.13. For the purpose  
146 32 of organization and upon issuance of permit by the  
146 33 commissioner of insurance, powers of attorney and applications  
146 34 for such contracts may be solicited without compliance with  
146 35 the provisions of this chapter, but an attorney, agent, or  
147 1 other person shall not make any such contracts of indemnity  
147 2 until all of the provisions of this chapter shall have been  
147 3 complied with.

147 4 Sec. 169. Section 541A.3, Code 2009, is amended to read as  
147 5 follows:

147 6 541A.3 INDIVIDUAL DEVELOPMENT ACCOUNTS == STATE SAVINGS  
147 7 MATCH AND TAX PROVISIONS.

147 8 All of the following state savings match and tax provisions  
147 9 shall apply to an individual development account:

147 10 1. a. Payment by the state of a state savings match on  
147 11 amounts of up to two thousand dollars that an account holder  
147 12 deposits in the account holder's account. To be eligible to  
147 13 receive a state savings match an account holder must have a  
147 14 household income that is equal to or less than two hundred  
147 15 percent of the federal poverty level.

147 16 b. Moneys transferred to an individual development account  
147 17 from another individual development account and a state  
147 18 savings match received by the account holder in accordance  
147 19 with this section shall not be considered an account holder  
147 20 deposit for purposes of determining a state savings match.

147 21 c. Payment of a state savings match either shall be made  
147 22 directly to the account holder or to an operating  
147 23 organization's central reserve account for later distribution  
147 24 to the account holder in the most appropriate manner as  
147 25 determined by the administrator.

147 26 d. Subject to the limitation in paragraph "a", the state  
147 27 savings match shall be equal to one hundred percent of the  
147 28 amount deposited by the account holder. However, the  
147 29 administrator may limit, reduce, delay, or otherwise revise  
147 30 state savings match payment provisions as necessary to  
147 31 restrict the payments to the funding available.

147 32 2. Income earned by an individual development account is  
147 33 not subject to state tax, in accordance with the provisions of  
147 34 section 422.7, subsection 28.

147 35 3. Amounts transferred between individual development  
148 1 accounts are not subject to state tax.

148 2 4. The administrator shall coordinate the filing of claims  
148 3 for a state savings match authorized under subsection 1,  
148 4 between account holders and operating organizations. Claims  
148 5 approved by the administrator may be paid to each account

148 6 holder, for an aggregate amount for distribution to the  
148 7 holders of the accounts in a particular financial institution,  
148 8 or to an operating organization's central reserve account for  
148 9 later distribution to the account holders depending on the  
148 10 efficiency for issuing the state savings match payments.  
148 11 Claims shall be initially filed with the administrator on or  
148 12 before a date established by the administrator. Claims  
148 13 approved by the administrator shall be paid from the  
148 14 individual development account state savings match fund.

148 15 Sec. 170. Section 554.10103, Code 2009, is amended to read  
148 16 as follows:

148 17 554.10103 GENERAL REPEALER.

148 18 Except as provided in ~~the following~~ section 554.7103, all  
148 19 acts and parts of acts inconsistent with this chapter are  
148 20 hereby repealed.

148 21 Sec. 171. Section 556F.17, Code 2009, is amended to read  
148 22 as follows:

148 23 556F.17 PENALTY FOR SELLING.

148 24 If any person shall trade, sell, loan, or take out of the  
148 25 limits of this state any such property taken up or found as  
148 26 ~~aforsaid provided in this chapter~~, before the person shall be  
148 27 vested with the right to the ~~same according to the foregoing~~  
~~148 28 provisions property~~, the person shall forfeit and pay double  
148 29 the value thereof, to be recovered by any person in an action,  
148 30 one half of which shall go to the plaintiff and the other half  
148 31 to the county.

148 32 Sec. 172. Section 602.10111, Code 2009, is amended to read  
148 33 as follows:

148 34 602.10111 NONRESIDENT ATTORNEY == APPOINTMENT OF LOCAL  
148 35 ATTORNEY.

149 1 Any member of the bar of another state, actually engaged in  
149 2 any cause or matter pending in any court of this state, may be  
149 3 permitted by such court to appear in and conduct such cause or  
149 4 matter while retaining the attorney's residence in another  
149 5 state, without being subject to ~~the foregoing provisions of~~  
149 6 this article; provided that at the time the attorney enters an  
149 7 appearance the attorney files with the clerk of such court the  
149 8 written appointment of some attorney resident and admitted to  
149 9 practice in the state of Iowa, upon whom service may be had in  
149 10 all matters connected with said action, with the same effect  
149 11 as if personally made on such foreign attorney within this  
149 12 state. In case of failure to make such appointment, such  
149 13 attorney shall not be permitted to practice as ~~aforsaid~~  
149 14 provided in this section, and all papers filed by the attorney  
149 15 shall be stricken from the files.

149 16 Sec. 173. Section 692.18, Code 2009, is amended to read as  
149 17 follows:

149 18 692.18 PUBLIC RECORDS.

149 19 1. Nothing in this chapter shall prohibit the public from  
149 20 examining and copying the public records of any public body or  
149 21 agency as authorized by chapter 22.

149 22 2. Intelligence data in the possession of a criminal or  
149 23 juvenile justice agency, state or federal regulatory agency,  
149 24 or peace officer, or disseminated by such agency or peace  
149 25 officer, are ~~not public confidential records within the~~  
~~149 26 provisions of chapter 22 under section 22.7, subsection 55.~~

149 27 Sec. 174. Section 707.7, Code 2009, is amended to read as  
149 28 follows:

149 29 707.7 FETICIDE.

149 30 1. Any person who intentionally terminates a human  
149 31 pregnancy, with the knowledge and voluntary consent of the  
149 32 pregnant person, after the end of the second trimester of the  
149 33 pregnancy where death of the fetus results commits feticide.  
149 34 Feticide is a class "C" felony.

149 35 2. Any person who attempts to intentionally terminate a  
150 1 human pregnancy, with the knowledge and voluntary consent of  
150 2 the pregnant person, after the end of the second trimester of  
150 3 the pregnancy where death of the fetus does not result commits  
150 4 attempted feticide. Attempted feticide is a class "D" felony.

150 5 ~~This section shall not apply to the termination of a human~~  
~~150 6 pregnancy performed by a physician licensed in this state to~~  
~~150 7 practice medicine or surgery when in the best clinical~~  
~~150 8 judgment of the physician the termination is performed to~~  
~~150 9 preserve the life or health of the pregnant person or of the~~  
~~150 10 fetus and every reasonable medical effort not inconsistent~~  
~~150 11 with preserving the life of the pregnant person is made to~~  
~~150 12 preserve the life of a viable fetus.~~

150 13 3. Any person who terminates a human pregnancy, with the  
150 14 knowledge and voluntary consent of the pregnant person, who is  
150 15 not a person licensed to practice medicine and surgery or  
150 16 osteopathic medicine and surgery under the provisions of

150 17 chapter 148, ~~or an osteopathic physician and surgeon licensed~~  
150 18 ~~to practice osteopathic medicine and surgery under the~~  
150 19 ~~provisions of chapter 150A,~~ commits a class "C" felony.

150 20 4. This section shall not apply to the termination of a  
150 21 human pregnancy performed by a physician licensed in this  
150 22 state to practice medicine or surgery or osteopathic medicine  
150 23 or surgery when in the best clinical judgment of the physician  
150 24 the termination is performed to preserve the life or health of  
150 25 the pregnant person or of the fetus and every reasonable  
150 26 medical effort not inconsistent with preserving the life of  
150 27 the pregnant person is made to preserve the life of a viable  
150 28 fetus.

150 29 Sec. 175. Section 709.22, subsection 1, paragraph c,  
150 30 unnumbered paragraph 1, Code 2009, is amended to read as  
150 31 follows:

150 32 Providing a victim with immediate and adequate notice of  
150 33 the victim's rights. The notice shall consist of handing the  
150 34 victim a document that includes the telephone numbers of  
150 35 shelters, support groups, and crisis lines operating in the  
151 1 area and contains a copy of the following statement written in  
151 2 English and Spanish, asking the victim to read the  
151 3 statement, and asking whether the victim understands the  
151 4 rights:

151 5 Sec. 176. Section 709.22, subsection 1, paragraph d, Code  
151 6 2009, is amended by striking the paragraph.

151 7 Sec. 177. Section 714.8, subsection 18, Code 2009, is  
151 8 amended to read as follows:

151 9 18. a. Manufactures, creates, reproduces, alters,  
151 10 possesses, uses, transfers, or otherwise knowingly contributes  
151 11 to the production or use of a fraudulent retail sales receipt  
151 12 or universal ~~price product~~ code label with intent to defraud  
151 13 another person engaged in the business of retailing.

151 14 b. For purposes of this subsection:

151 15 ~~a.~~ (1) "Retail sales receipt" means a document intended  
151 16 to evidence payment for goods or services.

151 17 ~~b.~~ (2) "Universal ~~price product~~ code label" means the  
151 18 unique ten-digit bar code placed on the packaging of an item  
151 19 that may be used for purposes including but not limited to  
151 20 tracking inventory, maintaining price information in a  
151 21 computerized database, and serving as proof of purchase of a  
151 22 particular item.

151 23 Sec. 178. Section 714E.1, subsection 3, paragraph a,  
151 24 subparagraph (2), Code 2009, is amended to read as follows:

151 25 (2) Obtain a forbearance, modification, or repayment plan  
151 26 ~~from for~~ a beneficiary or mortgagee.

151 27 Sec. 179. Section 714E.4, unnumbered paragraph 1, Code  
151 28 2009, is amended to read as follows:

151 29 It is a violation of this chapter for a foreclosure  
151 30 consultant to do any of the following:

151 31 Sec. 180. Section 714F.3, subsection 2, Code 2009, is  
151 32 amended to read as follows:

151 33 2. The contract required by ~~this~~ section 714F.2 survives  
151 34 delivery of any instrument of conveyance of the residence in  
151 35 foreclosure, ~~and but~~ has no effect on persons other than the  
152 1 parties to the contract.

152 2 Sec. 181. Section 714F.6, Code 2009, is amended to read as  
152 3 follows:

152 4 714F.6 WAIVER.

152 5 A waiver of the provisions of this chapter is void and  
152 6 unenforceable as contrary to public policy, except a consumer  
152 7 may waive the three-day right to cancel provided in section  
152 8 714F.4 if the property is subject to a foreclosure sale, tax  
152 9 sale, or contract forfeiture within the three business days  
152 10 and the shortened cancellation period was not caused by the  
152 11 foreclosure purchaser or an agent of the foreclosure  
152 12 purchaser, ~~and the.~~ A waiver of a foreclosed homeowner agrees  
152 13 to waive the foreclosed homeowner's right to cancel shall be  
152 14 in a handwritten statement signed by all parties holding title  
152 15 to the foreclosed property.

152 16 Sec. 182. Section 714F.9, subsection 2, Code 2009, is  
152 17 amended to read as follows:

152 18 2. EXEMPLARY DAMAGES. In a private right of action for a  
152 19 violation of this chapter, the court may award exemplary  
152 20 damages ~~of any amount.~~ If the court determines that an award  
152 21 of exemplary damages is appropriate, the amount of exemplary  
152 22 damages awarded shall not be less than one and one-half times  
152 23 the foreclosed homeowner's actual damages. Any claim for  
152 24 exemplary damages brought pursuant to this section must be  
152 25 commenced within four years after the date of the alleged  
152 26 violation.

152 27 Sec. 183. Section 728.15, Code 2009, is amended to read as

152 28 follows:

152 29 728.15 TELEPHONE DISSEMINATION OF OBSCENE MATERIAL TO

152 30 MINORS.

152 31 1. a. As used in this section, "person" excludes any  
152 32 information-access service provider that merely provides  
152 33 transmission capacity without control over the content of the  
152 34 transmission.

152 35 b. A person shall not knowingly disseminate obscene  
153 1 material by the use of telephones or telephone facilities to a  
153 2 minor. A person who violates this subsection upon conviction  
153 3 is guilty of an aggravated misdemeanor. However, second and  
153 4 subsequent offenses of this subsection by a person who has  
153 5 been previously convicted of violating this subsection are  
153 6 class "D" felonies. As used in this subsection, a "person"  
153 7 excludes any information-access service provider that merely  
153 8 provides transmission capacity without control over the  
153 9 content of the transmission.

153 10 2. It shall be a defense in any prosecution for a  
153 11 violation of subsection 1 by a person who accused of knowingly  
153 12 disseminates disseminating obscene material by the use of  
153 13 telephones or telephone facilities to a minor that the  
153 14 defendant person accused has taken either of the following  
153 15 measures to restrict access to the obscene material:

153 16 a. Required The person accused has done all of the  
153 17 following:

153 18 (1) Required the person receiving the obscene material to  
153 19 use an authorized access or identification code, as provided  
153 20 by the information provider, before transmission of the  
153 21 obscene material begins, where the defendant has previously.

153 22 (2) Previously issued the code by mailing it to the  
153 23 applicant after taking reasonable measures to ascertain that  
153 24 the applicant was eighteen years of age or older and has  
153 25 established.

153 26 (3) Established a procedure to immediately cancel the code  
153 27 of any person after receiving notice, in writing or by  
153 28 telephone, that the code has been lost, stolen, or used by  
153 29 persons under the age of eighteen years or that the code is no  
153 30 longer desired.

153 31 b. Required The person accused has required payment by  
153 32 credit card before transmission of the obscene material.

153 33 3. Any list of applicants or recipients compiled or  
153 34 maintained by an information-access service provider for  
153 35 purposes of compliance with subsection 2 is confidential and  
154 1 shall not be sold or otherwise disseminated except upon order  
154 2 of the court.

154 3 4. a. A violation of subsection 1 is an aggravated  
154 4 misdemeanor.

154 5 b. A violation of subsection 1 by a person who has been  
154 6 previously convicted of a violation of subsection 1 is a class  
154 7 "D" felony.

154 8 Sec. 184. Section 805.8B, subsection 2, paragraph e, Code  
154 9 2009, is amended to read as follows:

154 10 e. For identification decal violations under section  
154 11 321G.5, the scheduled fine is twenty dollars.

154 12 Sec. 185. Section 805.8B, subsection 2A, paragraph e, Code  
154 13 2009, is amended to read as follows:

154 14 e. For identification decal violations under section  
154 15 321I.6, the scheduled fine is twenty dollars.

154 16 Sec. 186. Section 820.11, Code 2009, is amended to read as  
154 17 follows:

154 18 820.11 PENALTY FOR WILLFUL DISOBEDIENCE.

154 19 Any officer who shall deliver to the agent for extradition  
154 20 of the demanding state a person in the officer's custody under  
154 21 the governor's warrant, in willful disobedience to the last  
154 22 section 820.10, shall be guilty of a simple misdemeanor.

154 23 Sec. 187. Section 35B.6, subsection 1, paragraph a, Code  
154 24 2007, as amended by 2008 Iowa Acts, chapter 1130, section 4,  
154 25 is amended to read as follows:

154 26 a. The members of the commission shall qualify by taking  
154 27 the usual oath of office, and give bond in the sum of five  
154 28 hundred dollars each, conditioned for the faithful discharge  
154 29 of their duties with sureties to be approved by the county  
154 30 auditor. The commission shall organize by the selection of  
154 31 one of their members as chairperson, and one as secretary.

154 32 The commission, subject to the approval of the board of  
154 33 supervisors, shall employ an executive director or  
154 34 administrator and shall have the power to employ other  
154 35 necessary employees when needed, including administrative or

155 1 clerical assistants, but no member of the commission shall be  
155 2 so employed. The compensation of such employees shall be

155 3 fixed by the board of supervisors, but no member of the

~~155 4 commission shall be so employed. The executive director must~~  
~~155 5 possess the same qualifications as provided in section 35B.3~~  
~~155 6 for commission members. However, this qualification~~  
~~155 7 requirement shall not apply to a person employed as an~~  
~~155 8 executive director prior to July 1, 1989.~~

155 9 Sec. 188. Section 35B.14, Code 2007, as amended by 2008  
155 10 Iowa Acts, chapter 1130, section 7, is amended to read as  
155 11 follows:

155 12 35B.14 COUNTY APPROPRIATION.

155 13 1. The board of supervisors of each county may appropriate  
155 14 moneys for training an executive director or administrator as  
155 15 provided ~~for~~ in section 35B.6, the and for the expenses for  
155 16 food, clothing, shelter, utilities, medical benefits, and a  
155 17 funeral expenses of for indigent veterans, as defined in  
155 18 section 35.1, and as well as for their indigent spouses,  
155 19 surviving spouses, and minor children not over eighteen years  
155 20 of age, ~~having a legal residence who legally reside~~ in the  
155 21 county.

155 22 2. The appropriation shall be expended by the joint action  
155 23 and control of the board of supervisors and the county  
155 24 commission of veteran affairs.

155 25 Sec. 189. 2008 Iowa Acts, chapter 1191, section 109, is  
155 26 amended to read as follows:

155 27 SEC. 109. Section ~~257.11~~ 257.31, subsection 5, Code  
155 28 Supplement 2007, is amended by adding the following new  
155 29 paragraph:

155 30 NEW PARAGRAPH. n. Unusual need for additional funds for  
155 31 the costs associated with providing competent private  
155 32 instruction pursuant to chapter 299A.

155 33 Sec. 190. Sections 238.2, 435.34, and 435.35, Code 2009,  
155 34 are repealed.

155 35 Sec. 191. DIRECTIVES TO CODE EDITOR == TRANSFERS.

156 1 1. The Code editor shall transfer sections 147.57 and  
156 2 147.114 to new locations deemed appropriate by the Code editor  
156 3 in chapter 153 and correct any internal references in the Code  
156 4 or Acts as necessary to complete the transfers.

156 5 2. The Code editor shall number the existing paragraph  
156 6 within section 216.18, transfer section 216.18A to become  
156 7 subsection 2 of that section, and correct any internal  
156 8 references in the Code or Acts as necessary to complete the  
156 9 transfer.

156 10 DIVISION II  
156 11 CODE SECTION RENUMBERINGS

156 12 Sec. 192. Section 123.129, Code 2009, is amended to read  
156 13 as follows:

156 14 123.129 CLASS "C" APPLICATION.

156 15 1. For purposes of this section:

156 16 a. "Grocery store" means any retail establishment, the  
156 17 business of which consists of the sale of food, food products,  
156 18 or beverages for consumption off the premises.

156 19 b. "Pharmacy" means a drug store in which drugs and  
156 20 medicines are exposed for sale and sold at retail, or in which  
156 21 prescriptions of licensed physicians and surgeons, dentists,  
156 22 or veterinarians are compounded and sold by a registered  
156 23 pharmacist.

156 24 2. ~~No A~~ class "C" permit shall ~~not~~ be issued to any person  
156 25 except the owner or proprietor of a grocery store or pharmacy.

156 26 ~~"Grocery store" means any retail establishment, the~~  
156 27 ~~business of which consists of the sale of food, food products~~  
156 28 ~~or beverages for consumption off the premises.~~

156 29 ~~"Pharmacy" means a drug store in which drugs and medicines~~  
156 30 ~~are exposed for sale and sold at retail, or in which~~  
156 31 ~~prescriptions of licensed physicians and surgeons, dentists or~~  
156 32 ~~veterinarians are compounded and sold by a registered~~  
156 33 ~~pharmacist.~~

156 34 3. A class "C" permit shall be issued by the administrator  
156 35 to any person who is the owner or proprietor of a grocery  
157 1 store or pharmacy, who:

157 2 ~~1-~~ a. Submits a written application for such permit,  
157 3 which application shall state under oath all the information  
157 4 required of a class "A" applicant by section 123.127,  
157 5 subsection 1.

157 6 ~~2-~~ b. Establishes that the person is of good moral  
157 7 character as defined by this chapter.

157 8 ~~3-~~ c. Consents to inspection as required in section  
157 9 123.30, subsection 1.

157 10 ~~4-~~ d. States the number of square feet of interior floor  
157 11 space which comprises the retail sales area of the premises  
157 12 for which the permit is sought.

157 13 Sec. 193. Section 124.101, subsection 1, Code 2009, is  
157 14 amended to read as follows:

157 15 1. "Administer" means the direct application of a  
157 16 controlled substance, whether by injection, inhalation,  
157 17 ingestion, or any other means, to the body of a patient or  
157 18 research subject by:  
157 19 a. A practitioner, or in the practitioner's presence, by  
157 20 the practitioner's authorized agent; or  
157 21 b. The patient or research subject at the direction and in  
157 22 the presence of the practitioner.

~~157 23 Nothing contained in this chapter shall be construed to  
157 24 prevent a physician, dentist, podiatric physician, or  
157 25 veterinarian from delegating the administration of controlled  
157 26 substances under this chapter to a nurse, intern, or other  
157 27 qualified individual or, as to veterinarians, to an orderly or  
157 28 assistant, under the veterinarian's direction and supervision;  
157 29 all pursuant to rules adopted by the board.~~

157 30 Sec. 194. NEW SECTION. 124.101A ADMINISTRATION OF  
157 31 CONTROLLED SUBSTANCES == DELEGATION.

157 32 Nothing contained in this chapter shall be construed to  
157 33 prevent a physician, dentist, podiatric physician, or  
157 34 veterinarian from delegating the administration of controlled  
157 35 substances under this chapter to a nurse, intern, or other  
158 1 qualified individual or, as to veterinarians, to an orderly or  
158 2 assistant, under the veterinarian's direction and supervision;  
158 3 all pursuant to rules adopted by the board.

158 4 Sec. 195. Section 135J.1, subsection 6, Code 2009, is  
158 5 amended to read as follows:

158 6 6. "Interdisciplinary team" means the hospice patient and  
158 7 the hospice patient's family, the attending physician, and all  
158 8 of the following individuals trained to serve with a licensed  
158 9 hospice program:

- 158 10 a. A licensed physician pursuant to chapter 148.
- 158 11 b. A licensed registered nurse pursuant to chapter 152.
- 158 12 c. An individual with at least a baccalaureate degree in  
158 13 the field of social work providing medical-social services.
- 158 14 d. Trained hospice volunteers.
- 158 15 e. ~~Providers~~ As deemed appropriate by the hospice,  
158 16 providers of special services, including but not limited to a  
158 17 spiritual counselor, a pharmacist, or professionals in the  
158 18 fields of mental health may be included on the  
158 19 interdisciplinary team ~~as deemed appropriate by the hospice.~~

158 20 Sec. 196. Section 137.6, Code 2009, is amended to read as  
158 21 follows:

158 22 137.6 POWERS OF LOCAL BOARDS.

158 23 1. Local boards shall have powers to do the following  
158 24 powers:

- 158 25 1- a. Enforce state health laws and the rules and lawful  
158 26 orders of the state department.
- 158 27 2- b. (1) Make and enforce such reasonable rules and  
158 28 regulations not inconsistent with law or with the rules of the  
158 29 state board as may be necessary for the protection and  
158 30 improvement of the public health.
- 158 31 a- (a) Rules of a county board shall become effective  
158 32 upon approval by the county board of supervisors by a motion  
158 33 or resolution as defined in section 331.101, subsection 13,  
158 34 and publication in a newspaper having general circulation in  
158 35 the county.
- 159 1 b- (b) Rules of a city board shall become effective upon  
159 2 approval by the city council and publication in a newspaper  
159 3 having general circulation in the city.
- 159 4 c- (c) Rules of a district board shall become effective  
159 5 upon approval by the district board and publication in a  
159 6 newspaper having general circulation in the district.
- 159 7 d- (2) ~~However, before~~ Before approving any rule or  
159 8 regulation the local board of health shall hold a public  
159 9 hearing on the proposed rule. Any citizen may appear and be  
159 10 heard at the public hearing. A notice of the public hearing,  
159 11 stating the time and place and the general nature of the  
159 12 proposed rule or regulation, shall be published as provided in  
159 13 section 331.305 in the area served by the board. The board  
159 14 shall also make a reasonable effort to give notice of the  
159 15 hearing to the communications media located within said area.
- 159 16 ~~The board shall also make a reasonable effort to give~~  
159 17 ~~notice of the hearing to the communications media located~~  
159 18 ~~within said area.~~
- 159 19 3- ~~May by agreement with the council of any city within~~  
159 20 ~~its jurisdiction enforce appropriate ordinances of said city.~~
- 159 21 4- c. Employ persons as necessary for the efficient  
159 22 discharge of its duties. Employment practices shall meet the  
159 23 requirements of chapter 8A, subchapter IV, or any civil  
159 24 service provision adopted under chapter 400.
- 159 25 5- d. Provide reports of its operations and activities to

159 26 the state department as may be required by the director.  
159 27 2. A local board may, by agreement with the council of any  
159 28 city within its jurisdiction, enforce appropriate ordinances  
159 29 of the city.

159 30 Sec. 197. Section 147A.4, subsection 1, Code 2009, is  
159 31 amended to read as follows:

159 32 1. a. The department shall adopt rules required or  
159 33 authorized by this subchapter pertaining to the operation of  
159 34 ambulance, rescue, and first response services which have  
159 35 received authorization under section 147A.5 to utilize the  
160 1 services of certified emergency medical care providers. These  
160 2 rules shall include, but need not be limited to, requirements  
160 3 concerning physician supervision, necessary equipment and  
160 4 staffing, and reporting by ambulance, rescue, and first  
160 5 response services which have received the authorization  
160 6 pursuant to section 147A.5.

160 7 b. The director, pursuant to rule, may grant exceptions  
160 8 and variances from the requirements of rules adopted under  
160 9 this subchapter for any ambulance, rescue, or first response  
160 10 service. Exceptions or variations shall be reasonably related  
160 11 to undue hardships which existing services experience in  
160 12 complying with this subchapter or the rules adopted pursuant  
160 13 to this subchapter. However, no exception or variance may be  
160 14 granted unless the service ~~has~~ adopted a plan approved by the  
160 15 department prior to July 1, 1996, to achieve compliance during  
160 16 a period not to exceed seven years with this subchapter and  
160 17 rules adopted pursuant to this subchapter. Services  
160 18 requesting exceptions and variances shall be subject to other  
160 19 applicable rules adopted pursuant to this subchapter.

160 20 Sec. 198. Section 149.1, subsections 2, 3, and 4, Code  
160 21 2009, are amended to read as follows:

160 22 2. As used in this chapter, ~~"board":~~

160 23 a. "Board" means the board of podiatry, created under  
160 24 chapter 147.

160 25 ~~3. b. As used in this chapter, "human "Human foot" means~~  
160 26 ~~the ankle and soft tissue which insert into the foot as well~~  
160 27 ~~as the foot.~~

160 28 ~~4. c. "Podiatric physician" means a physician or surgeon~~  
160 29 ~~licensed under this chapter to engage in the practice of~~  
160 30 ~~podiatric medicine and surgery.~~

160 31 Sec. 199. Section 149.5, Code 2009, is amended to read as  
160 32 follows:

160 33 149.5 AMPUTATIONS == ANESTHESIA == PRESCRIPTION DRUGS.

160 34 1. A license to practice podiatry shall not authorize the  
160 35 licensee to amputate the human foot.

161 1 2. A licensed podiatric physician may ~~administer~~ do all of  
161 2 the following:

161 3 a. Administer local anesthesia.

161 4 b. Conscious Administer conscious sedation ~~may be~~  
161 5 ~~administered by a licensed podiatric physician in a hospital~~  
161 6 ~~or an ambulatory surgical center.~~

161 7 c. A licensed podiatric physician may prescribe Prescribe  
161 8 and administer drugs for the treatment of human foot ailments  
161 9 as provided in section 149.1.

161 10 Sec. 200. Section 153.39, subsection 2, Code 2009, is  
161 11 amended to read as follows:

161 12 2. Education requirements shall be determined by the board  
161 13 by rule, according to standards to be determined by the board.  
161 14 ~~A person shall be registered upon the successful completion of~~  
161 15 ~~either of the education and examination requirements pursuant~~  
161 16 ~~to established in paragraph "a" or "b".— Education~~  
161 17 ~~requirements shall be determined by the board by rule,~~  
161 18 ~~according to standards to be determined by the board.:~~

161 19 a. Successful completion of a course of study and  
161 20 examination approved by the board and sponsored by a  
161 21 board=approved postsecondary school.

161 22 b. Successful completion of on=the=job training and  
161 23 examination consisting of all of the following:

161 24 (1) Completion of on=the=job training as specified in  
161 25 rule.

161 26 (2) Successful completion of an examination process  
161 27 approved by the board. A written examination may be waived by  
161 28 the board pursuant to section 17A.9A, in practice situations  
161 29 where the written examination is deemed to be unnecessary or  
161 30 detrimental to the dentist's practice.

161 31 2A. The education requirements in subsection 2, paragraphs  
161 32 "a" and "b" may include possession of a valid certificate in a  
161 33 nationally recognized course in cardiopulmonary resuscitation.  
161 34 Successful passage of an examination administered by the board  
161 35 under subsection 2, paragraph "a" or "b", which shall include  
162 1 sections regarding infection control, hazardous materials, and

162 2 jurisprudence, shall also be required.  
162 3 2B. The board shall establish continuing education  
162 4 requirements as a condition of renewing registration as a  
162 5 registered dental assistant, as well as standards for the  
162 6 suspension or revocation of registration.

162 7 Sec. 201. Section 163.2, Code 2009, is amended to read as  
162 8 follows:

162 9 163.2 INFECTIOUS OR CONTAGIOUS DISEASES.

162 10 As provided in this chapter, unless the context otherwise  
162 11 requires:

162 12 1. "Certificate of veterinary inspection" or "certificate"  
162 13 means a legible record, made on an official form of the state  
162 14 of origin or the animal and plant health inspection service of  
162 15 the United States department of agriculture, and issued by an  
162 16 accredited veterinarian of the state of origin or a  
162 17 veterinarian in the employ of the animal and plant health  
162 18 inspection service, which shows that an animal listed on the  
162 19 form meets the health requirements of the state of  
162 20 destination.

162 21 2. "Control" means the prevention, suppression, or  
162 22 eradication of an infectious or contagious disease afflicting  
162 23 an animal within the state.

162 24 3. "Department" means the department of agriculture and  
162 25 land stewardship.

162 26 4. "Foot and mouth disease" means a virus of the family  
162 27 picornaviridae, genus aphthovirus, including any  
162 28 immunologically distinct serotypes.

162 29 ~~4- 5. "Infectious or contagious disease" means glanders,~~  
162 30 ~~farcy, maladie du coit (dourine), anthrax, foot and mouth~~  
162 31 ~~disease, scabies, hog cholera, tuberculosis, brucellosis,~~  
162 32 ~~vesicular exanthema, scrapie, rinderpest, avian influenza or~~  
162 33 ~~Newcastle disease as provided in chapter 165B, or any other~~  
162 34 ~~transmissible, transferable, or communicable disease so~~  
162 35 ~~designated by the department.~~

163 1 ~~As used in this chapter, "foot and mouth disease" means a~~  
163 2 ~~virus of the family picornaviridae, genus aphthovirus,~~  
163 3 ~~including any immunologically distinct serotypes.~~

163 4 ~~5- 6. "Move" or "movement", except as provided in~~  
163 5 ~~subchapter III, means to ship, transport, or deliver an~~  
163 6 ~~animal.~~

163 7 Sec. 202. Section 163.30, subsection 3, paragraph d, Code  
163 8 2009, is amended to read as follows:

163 9 d. A permittee shall not represent more than one dealer.  
163 10 Failure of a licensee or permittee to comply with this chapter  
163 11 or a rule made pursuant to this chapter is cause for  
163 12 revocation by the secretary of the permit or license after  
163 13 notice to the alleged offender and the holding of a hearing by  
163 14 the secretary. Rules shall be made in accordance with chapter  
163 15 17A. A rule, the violation of which is made the basis for  
163 16 revocation, except temporary emergency rules, shall first have  
163 17 been approved after public hearing as provided in section  
163 18 17A.4 after giving twenty days' notice of the hearing ~~as~~  
163 19 ~~follows:~~

163 20 ~~By~~ by mailing the notice, by ordinary mail, to every person  
163 21 filing a request for notice accompanied by an addressed  
163 22 envelope with prepaid postage. Any person may file such a  
163 23 request to be listed with any agency for notice for the time  
163 24 and place for all hearings on proposed rules, which request  
163 25 shall be accompanied by a remittance of five dollars. Such  
163 26 fee shall be added to the operating fund of the department.  
163 27 The listing shall expire semiannually on January 1 and July 1.

163 28 Sec. 203. Section 163.30, subsections 4 through 7, Code  
163 29 2009, are amended to read as follows:

163 30 4. a. All swine moved shall be individually identified  
163 31 with a distinctive and easily discernible ear tag affixed in  
163 32 either ear of the animal or other identification acceptable to  
163 33 the department, which has been specified by rule promulgated  
163 34 under the department's rulemaking authority. The department  
163 35 shall make ear tags available at convenient locations within  
164 1 each county and shall sell such tags at a price not exceeding  
164 2 the cost to producers and others to comply with this section.

164 3 b. Every seller, dealer and market operator shall keep a  
164 4 record of the ear tag numbers, or other approved  
164 5 identification, and the farm of origin of swine moved by or  
164 6 through that person, which records shall be made available by  
164 7 that person to any appropriate representative of the  
164 8 department or the United States department of agriculture.

164 9 5. a. All swine moved shall be accompanied by a  
164 10 certificate of veterinary inspection issued by the state of  
164 11 origin and prepared and signed by a veterinarian. The  
164 12 certificate shall show the point of origin, the point of

164 13 destination, individual identification, immunization status,  
164 14 and, when required, any movement permit number assigned to the  
164 15 shipment by the department. All such movement of swine shall  
164 16 be completed within seventy-two hours unless an extension of  
164 17 time for movement is granted by the department.  
164 18 ~~b.~~ However, ~~swine may be the requirements of paragraph "a"~~  
164 19 ~~do not apply as follows:~~

164 20 ~~(1) Swine which are~~ moved intrastate directly to an  
164 21 approved state, federal, or auction market ~~without such~~  
164 22 ~~identification or certification,~~ there to be identified and  
164 23 certified, ~~are excepted from the identification and~~  
164 24 ~~certification requirements.~~

164 25 ~~c.~~ However, ~~registered~~ Registered swine for exhibition or  
164 26 breeding purposes which can be individually identified by an  
164 27 ear notch or tattoo or other method approved by the department  
164 28 are excepted from ~~this~~ the additional identification  
164 29 requirement. ~~In addition, native~~

164 30 ~~d.~~ Native Iowa swine moved from farm to farm shall be  
164 31 excepted from the identification requirement if the owner  
164 32 transferring possession of the feeder pigs executes a written  
164 33 agreement with the person taking possession of the feeder  
164 34 pigs. The agreement shall provide that the feeder pigs shall  
164 35 not be commingled with other swine for a period of thirty  
165 1 days. The owner transferring possession shall be responsible  
165 2 for making certain that the agreement is executed and for  
165 3 providing a copy of the agreement to the person taking  
165 4 possession.

165 5 ~~6.~~ The department may combine a certificate of veterinary  
165 6 inspection with a certificate of inspection required under  
165 7 chapter 166D.

165 8 ~~6-~~ ~~7.~~ The department may require issuance of movement  
165 9 permits on certain categories of swine moved, prior to their  
165 10 movement, pursuant to departmental rule. The rule shall be  
165 11 promulgated when in the judgment of the secretary, such  
165 12 movements would otherwise threaten or imperil the eradication  
165 13 of hog cholera in Iowa.

165 14 ~~7-~~ ~~7A.~~ All swine moved shall be quarantined separate and  
165 15 apart from other swine located at the Iowa farm of destination  
165 16 for thirty days beginning with their arrival at such premises,  
165 17 or if such incoming swine are not held separate and apart, all  
165 18 swine on such premises shall be thus quarantined, except  
165 19 animals moving from such premises directly to slaughter.

165 20 ~~7B.~~ There can only be one transfer by a dealer, involving  
165 21 not more than two markets, prior to quarantine.

165 22 Sec. 204. Section 166D.7, subsection 2, Code 2009, is  
165 23 amended to read as follows:

165 24 2. A monitored herd shall be initially certified,  
165 25 recertified, and maintained as follows:

165 26 a. The herd shall be certified when a statistical sampling  
165 27 of the herd is determined to be noninfected.

165 28 b. In order to remain certified the herd must be retested  
165 29 and recertified as provided by the department. The herd must  
165 30 be recertified annually. The herd shall be recertified when a  
165 31 statistical sampling of the herd is determined to be  
165 32 noninfected within twelve months from initial certification or  
165 33 the most recent recertification.

165 34 ~~c.~~ A monitored herd shall not be certified or recertified,  
165 35 if the herd is located within a county which is designated by  
166 1 the department as in stage II of the national pseudorabies  
166 2 eradication program, unless the herd is vaccinated with a  
166 3 modified-live differentiable vaccine pursuant to section  
166 4 166D.11 and as required by the department.

166 5 ~~e-~~ ~~d.~~ A monitored herd may receive new swine into the  
166 6 herd from a noninfected herd.

166 7 Sec. 205. Section 167.4, Code 2009, is amended to read as  
166 8 follows:

166 9 167.4 LICENSING PROCEDURE == FEES.

166 10 ~~1.~~ The following shall apply to a person required to be  
166 11 licensed under this chapter:

166 12 ~~1-~~ ~~a.~~ The person shall submit an application for a  
166 13 license to the department in a manner and according to  
166 14 procedures required by the department.

166 15 ~~2-~~ ~~b.~~ The person shall include in the application  
166 16 information as required by the department, on forms prescribed  
166 17 by the department, which shall include at least all of the  
166 18 following:

166 19 ~~a-~~ ~~(1)~~ For a disposal plant, the person shall state the  
166 20 person's name and address, the person's proposed place of  
166 21 business, and the total number of vehicles to be involved in  
166 22 the operation.

166 23 ~~b-~~ ~~(2)~~ For a collection point involving the accumulation

166 24 of whole animal carcasses or their parts for ultimate  
166 25 transportation to a disposal plant, the person's name and  
166 26 address, the person's proposed place of business, and the  
166 27 total number of vehicles to be involved in the operation.  
166 28 ~~c.~~ (3) For a delivery service which transports whole  
166 29 animal carcasses or their parts to a disposal plant or  
166 30 collection point, the person's name and address, the total  
166 31 number of vehicles to be involved in the operation, and the  
166 32 location where the vehicles involved in the operation are to  
166 33 be maintained.  
166 34 ~~3.~~ c. The person shall submit a separate application for  
166 35 each location that the person is to operate as a disposal  
167 1 plant, collection point, or a delivery service.  
167 2 ~~4.~~ d. The person shall ~~submit~~ pay a license fee as  
167 3 follows:  
167 4 ~~a.~~ (1) For a disposal plant, one hundred dollars.  
167 5 ~~b.~~ (2) For a collection point, one hundred dollars.  
167 6 However, a person is not required to pay the license fee for a  
167 7 collection point which is operated by a disposal plant.  
167 8 ~~c.~~ (3) For a delivery service which is not part of the  
167 9 operation of a disposal plant or collection point, fifty  
167 10 dollars.  
167 11 ~~5.~~ e. A license issued to a person under this section  
167 12 shall expire on December 31 of each year. The person may  
167 13 renew the license by completing a renewal form as prescribed  
167 14 by the department in a manner and according to procedures  
167 15 required by the department. However, the renewal form must be  
167 16 submitted to the department prior to the license's expiration  
167 17 date. The person shall ~~submit~~ pay a renewal license fee which  
167 18 shall be for the same amount as the original license fee.  
167 19 ~~Fees collected pursuant to this section shall be deposited~~  
167 20 ~~into the general fund of the state.~~  
167 21 ~~6.~~ f. A person's license is subject to suspension or  
167 22 revocation by the department if the department determines that  
167 23 the person has committed a material violation of this chapter,  
167 24 including rules adopted by this chapter, or a term or  
167 25 condition of the license. The person may contest the  
167 26 department's action as provided in chapter 17A.  
167 27 2. Fees collected pursuant to this section shall be  
167 28 deposited into the general fund of the state.

167 29 Sec. 206. Section 169.6, Code 2009, is amended to read as  
167 30 follows:

167 31 169.6 DISCLOSURE OF CONFIDENTIAL INFORMATION.

167 32 1. A member of the board shall not disclose information  
167 33 relating to the following:

167 34 ~~1.~~ a. Criminal history or prior misconduct of the  
167 35 applicant.

168 1 ~~2.~~ b. Information relating to the contents of the  
168 2 examination.

168 3 ~~3.~~ c. Information relating to the examination results  
168 4 other than final score except for information about the  
168 5 results of an examination which is given to the person who  
168 6 took the examination.

168 7 2. A member of the board who willfully communicates or  
168 8 seeks to communicate ~~such~~ information in violation of  
168 9 subsection 1, and any person who willfully requests, obtains,  
168 10 or seeks to obtain such information, is guilty of a simple  
168 11 misdemeanor for each separate offense.

168 12 Sec. 207. Section 191.2, subsections 2 and 7, Code 2009,  
168 13 are amended to read as follows:

168 14 2. OLEOMARGARINE.

168 15 a. No person shall sell or offer for sale, colored oleo,  
168 16 oleomargarine or margarine unless == such oleo, oleomargarine  
168 17 or margarine is packaged; the net weight of the contents of  
168 18 any package sold in a retail establishment is one pound or  
168 19 less; there appears on the label of the package the word  
168 20 "oleo", "oleomargarine" or "margarine" in type or lettering at  
168 21 least as large as any other type or lettering on such label,  
168 22 and a full and accurate statement of all the ingredients  
168 23 contained in such oleo, oleomargarine or margarine; and each  
168 24 part of the contents of the package is contained in a wrapper  
168 25 which bears the word "oleo", "oleomargarine" or "margarine" in  
168 26 type or lettering not smaller than twenty point type.

168 27 ~~For the purposes of this chapter the term "oleo",~~  
168 28 ~~"oleomargarine" or "margarine" includes all substances,~~  
168 29 ~~mixtures and compounds known as oleo, oleomargarine or~~  
168 30 ~~margarine, and all substances, mixtures and compounds which~~  
168 31 ~~have a consistence similar to that of butter and which contain~~  
168 32 ~~any edible oils or fats other than milk fat if made in~~  
168 33 ~~imitation or semblance of butter. For the purposes of this~~  
168 34 ~~chapter colored oleo, oleomargarine or margarine is oleo,~~

~~168 35 oleomargarine or margarine to which any color has been added.~~

169 1 b. Whenever coloring of any kind has been added it shall  
169 2 be clearly stated on both inside wrapper and the outside  
169 3 package. The ingredients of oleo, oleomargarine or margarine  
169 4 shall be listed on both the inside wrapper and outside package  
169 5 in the order of the amounts of ingredients in the package.

169 6 c. Such oleo, oleomargarine or margarine shall contain  
169 7 vitamin "A" in such quantity that the finished oleo,  
169 8 oleomargarine or margarine contains not less than fifteen  
169 9 thousand United States Pharmacopoeia units of vitamin "A" per  
169 10 pound, as determined by the method prescribed in the  
169 11 Pharmacopoeia of the United States for the total biological  
169 12 vitamin "A" activity.

169 13 7. a. Tanks transporting raw milk and milk products to a  
169 14 milk plant from sources of supply not under the supervision of  
169 15 the secretary or authorized municipal corporation are required  
169 16 to be marked with the name and address of the milk plant or  
169 17 hauler and shall be sealed; in addition, for each such  
169 18 shipment, a shipping statement shall be prepared containing at  
169 19 least the following information:

- 169 20 ~~a.~~ (1) Shipper's name, address, and permit number.  
169 21 ~~b.~~ (2) Permit number of hauler, if not employee of  
169 22 shipper.  
169 23 ~~c.~~ (3) Point of origin of shipment.  
169 24 ~~d.~~ (4) Tanker identity number.  
169 25 ~~e.~~ (5) Name of product.  
169 26 ~~f.~~ (6) Weight of product.  
169 27 ~~g.~~ (7) Grade of product.  
169 28 ~~h.~~ (8) Temperature of product.  
169 29 ~~i.~~ (9) Date of shipment.  
169 30 ~~j.~~ (10) Name of supervising health authority at the point  
169 31 of origin.  
169 32 ~~k.~~ (11) Whether the contents are raw, pasteurized, or  
169 33 otherwise heat treated.

169 34 b. Such statement shall be prepared in triplicate and  
169 35 shall be kept on file by the shipper, the consignee, and the  
170 1 carrier for a period of six months for the information of the  
170 2 secretary.

170 3 Sec. 208. Section 191.4, Code 2009, is amended to read as  
170 4 follows:

170 5 191.4 ~~"PERSON" DEFINED~~ DEFINITIONS.

170 6 1. "Oleo", "oleomargarine", or "margarine", for purposes  
170 7 of this chapter, includes all substances, mixtures, and  
170 8 compounds known as oleo, oleomargarine, or margarine, and all  
170 9 substances, mixtures, and compounds which have a consistence  
170 10 similar to that of butter and which contain any edible oils or  
170 11 fats other than milk fat if made in imitation or semblance of  
170 12 butter. For the purposes of this chapter, colored oleo,  
170 13 oleomargarine, or margarine is oleo, oleomargarine, or  
170 14 margarine to which any color has been added.

170 15 2. "Person" as used in this chapter and chapters 190 and  
170 16 192 means any individual, plant operator, partnership,  
170 17 corporation, company, firm, trustee, or association.

170 18 Sec. 209. Section 200.14, Code 2009, is amended to read as  
170 19 follows:

170 20 200.14 RULES.

170 21 1. The secretary is authorized, after public hearing,  
170 22 following due notice, to adopt rules setting forth minimum  
170 23 general safety standards for the design, construction,  
170 24 location, installation and operation of equipment for storage,  
170 25 handling, transportation by tank truck or tank trailer, and  
170 26 utilization of anhydrous ammonia.

170 27 a. The rules shall be such as are reasonably necessary for  
170 28 the protection and safety of the public and persons using  
170 29 anhydrous ammonia, and shall be in substantial conformity with  
170 30 the generally accepted standards of safety.

170 31 b. ~~It is hereby declared that rules~~ Rules that are in  
170 32 substantial conformity with the published standards of the  
170 33 agricultural ammonia institute for the design, installation  
170 34 and construction of containers and pertinent equipment for the  
170 35 storage and handling of anhydrous ammonia, shall be deemed to  
171 1 be in substantial conformity with the generally accepted  
171 2 standards of safety.

171 3 2. Anhydrous ammonia equipment shall be installed and  
171 4 maintained in a safe operating condition and in conformity  
171 5 with rules adopted by the secretary.

171 6 3. ~~The secretary is hereby charged with the enforcement of~~  
171 7 shall enforce this chapter, and, after due publicity and due  
171 8 public hearing, ~~is empowered to promulgate and may~~ adopt such  
171 9 reasonable rules as may be necessary in order to carry into  
171 10 effect the purpose and intent and to secure the efficient

~~171 11 administration of this chapter or to secure the efficient  
171 12 administration thereof.~~

171 13 4. ~~Nothing in this~~ This chapter ~~shall does not~~ prohibit  
171 14 the use of storage tanks smaller than transporting tanks nor  
171 15 the transfer of all kinds of fertilizer including anhydrous  
171 16 ammonia directly from transporting tanks to implements of  
171 17 husbandry, if proper safety precautions are observed.  
171 18 Sec. 210. Section 203.12A, subsections 1, 2, and 9, Code  
171 19 2009, are amended to read as follows:

171 20 1. a. As used in this section:

171 21 (1) "Grain dealer assets" includes proceeds received or  
171 22 due a grain dealer upon the sale, including exchange,  
171 23 collection, or other disposition, of grain sold by the grain  
171 24 dealer. "Grain dealer assets" also includes any other funds  
171 25 or property of the grain dealer which can be directly traced  
171 26 as being from the sale of grain by the grain dealer, or which  
171 27 were utilized in the business operation of the grain dealer.

171 28 (2) "Proceeds" means noncash and cash proceeds as defined  
171 29 in section 554.9102.

171 30 b. A court, upon petition by an affected party, may order  
171 31 that claimed grain dealer assets are not grain dealer assets  
171 32 as defined in this section. The burden of proof shall be upon  
171 33 the petitioner to establish that the assets are not grain  
171 34 dealer assets as defined in this section.

171 35 2. A statutory lien is imposed on all grain dealer assets  
172 1 in favor of sellers who have surrendered warehouse receipts or  
172 2 other written evidence of ownership as part of a grain sale  
172 3 transaction or who possess written evidence of the sale of  
172 4 grain to a grain dealer, without receiving full payment for  
172 5 the grain.

172 6 ~~2. "Grain dealer assets" includes proceeds received or due~~  
172 7 ~~a grain dealer upon the sale, including exchange, collection,~~  
172 8 ~~or other disposition, of grain sold by the grain dealer. As~~  
172 9 ~~used in this section, "proceeds" means noncash and cash~~  
172 10 ~~proceeds as defined in section 554.9102. "Grain dealer~~  
172 11 ~~assets" also includes any other funds or property of the grain~~  
172 12 ~~dealer which can be directly traced as being from the sale of~~  
172 13 ~~grain by the grain dealer, or which were utilized in the~~  
172 14 ~~business operation of the grain dealer. A court, upon~~  
172 15 ~~petition by an affected party, may order that claimed grain~~  
172 16 ~~dealer assets are not grain dealer assets as defined in this~~  
172 17 ~~section. The burden of proof shall be upon the petitioner to~~  
172 18 ~~establish that the assets are not grain dealer assets as~~  
172 19 ~~defined in this section.~~

172 20 9. a. The board may enforce the lien in the manner  
172 21 provided in chapter 554, article 9, part 6, for the  
172 22 enforcement of security interests. If, upon enforcement of  
172 23 the lien, the lien amount is satisfied in full without  
172 24 exhaustion of the grain dealer assets, the remaining assets  
172 25 shall be returned to the grain dealer or, if there are  
172 26 competing claims to those remaining assets by other creditors,  
172 27 shall place those assets in the custody of the district court  
172 28 and implead the known creditors.

172 29 b. For purposes of enforcement of the lien, the board is  
172 30 deemed to be the secured party and the grain dealer is deemed  
172 31 to be the debtor, and each has the respective rights and  
172 32 duties of a secured party and a debtor as provided in chapter  
172 33 554, article 9, part 6. If a right or duty under chapter 554,  
172 34 article 9, part 6, is contingent upon the existence of express  
172 35 language in a security agreement, or may be waived by express  
173 1 language in a security agreement, the requisite language is  
173 2 deemed not to exist for purposes of enforcement of the lien  
173 3 created by this section.

173 4 Sec. 211. Section 203.15, subsection 4, paragraph c, Code  
173 5 2009, is amended to read as follows:

173 6 c. (1) A grain dealer must meet at least either of the  
173 7 following conditions:

173 8 ~~(1)~~ (a) The grain dealer's last financial statement  
173 9 required to be submitted to the department pursuant to section  
173 10 203.3 is accompanied by an unqualified opinion based upon an  
173 11 audit performed by a certified public accountant licensed in  
173 12 this state.

173 13 ~~(2)~~ (b) The grain dealer files a bond with the department  
173 14 in the amount of one hundred thousand dollars payable to the  
173 15 department.

173 16 (2) (a) The bond filed with the department under this  
173 17 paragraph shall be used to indemnify sellers for losses  
173 18 resulting from a breach of a credit-sale contract as provided  
173 19 by rules adopted by the department. The rules shall include,  
173 20 but are not limited to, procedures and criteria for providing  
173 21 notice, filing claims, valuing losses, and paying claims. The

173 22 bond provided in this paragraph shall be in addition to any  
173 23 other bond required in this chapter.

173 24 ~~(b) A The bond filed with the department under this~~  
173 25 ~~paragraph shall not be canceled by the issuer on less than~~  
173 26 ninety days notice by certified mail to the department and the  
173 27 principal. However, if an adequate replacement bond is filed  
173 28 with the department, the department may authorize the  
173 29 cancellation of the original bond before the end of the  
173 30 ninety-day period.

173 31 (c) If an adequate replacement bond is not received by the  
173 32 department within sixty days of the issuance of the notice of  
173 33 cancellation, the department shall automatically suspend the  
173 34 grain dealer's license. The department shall cause an  
173 35 inspection of the licensed grain dealer immediately at the end  
174 1 of the sixty-day period. If a replacement bond is not filed  
174 2 within another thirty days following the suspension, the grain  
174 3 dealer license shall be automatically revoked.

174 4 (3) When a license is revoked, the department shall  
174 5 provide notice of the revocation by ordinary mail to the last  
174 6 known address of each holder of an outstanding credit-sale  
174 7 contract and all known sellers.

174 8 Sec. 212. Section 203C.33, Code 2009, is amended to read  
174 9 as follows:

174 10 203C.33 FEES.

174 11 1. The department shall charge the following fees for  
174 12 deposit in the general fund:

174 13 ~~1-~~ a. For the issuance or renewal of a warehouse license,  
174 14 the fee shall be determined on the basis of the storage  
174 15 capacity in bushels of grain as follows:

174 16 ~~a-~~ (1) If the total storage capacity is one hundred  
174 17 thousand bushels or less, the fee is fifty-eight dollars.

174 18 ~~b-~~ (2) If the total storage capacity is more than one  
174 19 hundred thousand bushels, but not more than seven hundred  
174 20 fifty thousand bushels, the fee is one hundred twenty-five  
174 21 dollars.

174 22 ~~c-~~ (3) If the total storage capacity is more than seven  
174 23 hundred fifty thousand bushels, but not more than one million  
174 24 five hundred thousand bushels, the fee is one hundred  
174 25 ninety-one dollars.

174 26 ~~d-~~ (4) If the total storage capacity is more than one  
174 27 million five hundred thousand bushels, but not more than three  
174 28 million bushels, the fee is two hundred forty-nine dollars.

174 29 ~~e-~~ (5) If the total storage capacity is more than three  
174 30 million bushels, but not more than four million seven hundred  
174 31 fifty thousand bushels, the fee is three hundred seven  
174 32 dollars.

174 33 ~~f-~~ (6) If the total storage capacity is more than four  
174 34 million seven hundred fifty thousand bushels, but not more  
174 35 than nine million five hundred thousand bushels, the fee is  
175 1 three hundred seventy-four dollars.

175 2 ~~g-~~ (7) If the total storage capacity is more than nine  
175 3 million five hundred thousand bushels, the fee is four hundred  
175 4 forty dollars.

175 5 ~~2-~~ b. For the issuance or renewal of a warehouse license  
175 6 for the storage of products other than bulk grain, the fee  
175 7 shall be determined as follows:

175 8 ~~a-~~ (1) For intended storage of products of a value of one  
175 9 hundred thousand dollars or less, a fee of sixty dollars.

175 10 ~~b-~~ (2) For intended storage of products of a value  
175 11 greater than one hundred thousand dollars but not greater than  
175 12 three hundred thousand dollars, a fee of one hundred dollars.

175 13 ~~c-~~ (3) For intended storage of products of a value in  
175 14 excess of three hundred thousand dollars, a fee of two hundred  
175 15 dollars.

175 16 c. For each inspection of a warehouse or station for the  
175 17 purpose of licensing, a fee of twenty-five dollars, and for  
175 18 each additional warehouse or station under the same license, a  
175 19 fee of ten dollars.

175 20 ~~3-~~ d. For each amendment of a license, a fee of ten  
175 21 dollars.

175 22 ~~4-~~ e. For each amendment of a tariff, a fee of ten  
175 23 dollars.

175 24 ~~5-~~ f. For a duplicate license, a fee of five dollars.

175 25 ~~6-~~ g. For the reinstatement of a license, a fee of fifty  
175 26 dollars.

175 27 2. New Fees for new licenses issued for less than a year  
175 28 shall be prorated from the date of application.

175 29 Sec. 213. Section 216.19, Code 2009, is amended to read as  
175 30 follows:

175 31 216.19 LOCAL LAWS IMPLEMENTING THIS CHAPTER.

175 32 1. All cities shall, to the extent possible, protect the

175 33 rights of the citizens of this state secured by the Iowa civil  
175 34 rights Act. Nothing in this chapter shall be construed as  
175 35 indicating an any of the following:  
176 1     a. An intent on the part of the general assembly to occupy  
176 2 the field in which this chapter operates to the exclusion of  
176 3 local laws not inconsistent with this chapter that deal with  
176 4 the same subject matter.  
176 5     b. ~~Nothing in this chapter shall be construed as~~  
176 6 ~~indicating an An~~ intent to prohibit an agency or commission of  
176 7 local government having as its purpose the investigation and  
176 8 resolution of violations of this chapter from developing  
176 9 procedures and remedies necessary to insure the protection of  
176 10 rights secured by this chapter. ~~All cities shall, to the~~  
176 11 ~~extent possible, protect the rights of the citizens of this~~  
176 12 ~~state secured by the Iowa civil rights Act.~~ Nothing in this  
176 13 ~~chapter shall be construed as limiting~~  
176 14     c. ~~Limiting~~ a city or local government from enacting any  
176 15 ordinance or other law which prohibits broader or different  
176 16 categories of unfair or discriminatory practices.  
176 17     2. ~~An agency or commission of local government and the~~  
176 18 ~~Iowa civil rights commission shall cooperate in the sharing of~~  
176 19 ~~data and research, and coordinating investigations and~~  
176 20 ~~conciliations in order to expedite claims of unlawful~~  
176 21 ~~discrimination and eliminate needless duplication.~~ A city  
176 22 with a population of twenty-nine thousand, or greater, shall  
176 23 maintain an independent local civil rights agency or  
176 24 commission consistent with commission rules adopted pursuant  
176 25 to chapter 17A. An agency or commission for which a staff is  
176 26 provided shall have control over such staff. A city required  
176 27 to maintain a local civil rights agency or commission shall  
176 28 structure and adequately fund the agency or commission in  
176 29 order to effect cooperative undertakings with the Iowa civil  
176 30 rights commission and to aid in effectuating the purposes of  
176 31 this chapter.  
176 32     3. ~~An agency or commission of local government and the~~  
176 33 ~~Iowa civil rights commission shall cooperate in the sharing of~~  
176 34 ~~data and research, and coordinating investigations and~~  
176 35 ~~conciliations in order to expedite claims of unlawful~~  
177 1 ~~discrimination and eliminate needless duplication.~~ The Iowa  
177 2 civil rights commission may enter into cooperative agreements  
177 3 with any local agency or commission to effectuate the purposes  
177 4 of this chapter. Such agreements may include technical and  
177 5 clerical assistance and reimbursement of expenses incurred by  
177 6 the local agency or commission in the performance of the  
177 7 agency's or commission's duties if funds for this purpose are  
177 8 appropriated by the general assembly.  
177 9     4. The Iowa civil rights commission may designate an  
177 10 unfunded local agency or commission as a referral agency. A  
177 11 local agency or commission shall not be designated a referral  
177 12 agency unless the ordinance creating it provides the same  
177 13 rights and remedies as are provided in this chapter. The Iowa  
177 14 civil rights commission shall establish by rules the  
177 15 procedures for designating a referral agency and the  
177 16 qualifications to be met by a referral agency.  
177 17     5. ~~The Iowa civil rights commission may adopt rules~~  
177 18 ~~establishing the procedures for referral of complaints. A~~  
177 19 ~~referral agency may refuse to accept a case referred to it by~~  
177 20 ~~the Iowa civil rights commission if the referral agency is~~  
177 21 ~~unable to effect proper administration of the complaint. It~~  
177 22 ~~shall be the burden of the referral agency to demonstrate that~~  
177 23 ~~it is unable to properly administer that complaint.~~  
177 24     6. A complainant who files a complaint with a referral  
177 25 agency having jurisdiction shall be prohibited from filing a  
177 26 complaint with the Iowa civil rights commission alleging  
177 27 violations based upon the same acts or practices cited in the  
177 28 original complaint; and a complainant who files a complaint  
177 29 with the commission shall be prohibited from filing a  
177 30 complaint with the referral agency alleging violations based  
177 31 upon the same acts or practices cited in the original  
177 32 complaint. However, the Iowa civil rights commission in its  
177 33 discretion may refer a complaint filed with the commission to  
177 34 a referral agency having jurisdiction over the parties for  
177 35 investigation and resolution; and a referral agency in its  
178 1 discretion may refer a complaint filed with that agency to the  
178 2 commission for investigation and resolution. ~~The commission~~  
178 3 ~~may adopt rules establishing the procedures for referral of~~  
178 4 ~~complaints. A referral agency may refuse to accept a case~~  
178 5 ~~referred to it by the Iowa civil rights commission if the~~  
178 6 ~~referral agency is unable to effect proper administration of~~  
178 7 ~~the complaint. It shall be the burden of the referral agency~~  
178 8 ~~to demonstrate that it is unable to properly administer that~~

~~178 9 complaint.~~

178 10 7. A final decision by a referral agency shall be subject  
178 11 to judicial review as provided in section 216.17 in the same  
178 12 manner and to the same extent as a final decision of the Iowa  
178 13 civil rights commission.

178 14 8. The referral of a complaint by the Iowa civil rights  
178 15 commission to a referral agency or by a referral agency to the  
178 16 Iowa civil rights commission shall not affect the right of a  
178 17 complainant to commence an action in the district court under  
178 18 section 216.16.

178 19 Sec. 214. Section 222.31, Code 2009, is amended to read as  
178 20 follows:

178 21 222.31 COMMITMENT == LIABILITY FOR CHARGES.

178 22 1. If in the opinion of the court, or of a commission as  
178 23 authorized in section 222.28, the person is mentally retarded  
178 24 within the meaning of this chapter and the court determines  
178 25 that it will be conducive to the welfare of that person and of  
178 26 the community to commit the person to a proper institution for  
178 27 treatment, training, instruction, care, habilitation, and  
178 28 support, and that services or support provided to the family  
178 29 of such a person who is a child will not enable the family to  
178 30 continue to care for the child in the child's home, the court  
178 31 shall by proper order:

178 32 ~~1-~~ a. Commit the person to any public or private facility  
178 33 within or without the state, approved by the director of the  
178 34 department of human services. If the person has not been  
178 35 examined by a commission as appointed in section 222.28, the  
179 1 court shall, prior to issuing an order of commitment, appoint  
179 2 such a commission to examine the person for the purpose of  
179 3 determining the mental condition of the person. No order of  
179 4 commitment shall be issued unless the commission shall  
179 5 recommend that such order be issued and the private  
179 6 institution to which the person is to be committed shall  
179 7 advise the court that it is willing to receive the person.

179 8 ~~2-~~ b. (1) Commit the person to the state resource center  
179 9 designated by the administrator to serve the county in which  
179 10 the hearing is being held, or to a special unit. The court  
179 11 shall, prior to issuing an order of commitment, request that a  
179 12 diagnostic evaluation of the person be made by the  
179 13 superintendent of the resource center or the special unit, or  
179 14 the superintendent's qualified designee. The evaluation shall  
179 15 be conducted at a place as the superintendent may direct. The  
179 16 cost of the evaluation shall be defrayed by the county of  
179 17 legal settlement unless otherwise ordered by the court. The  
179 18 cost may be equal to but shall not exceed the actual cost of  
179 19 the evaluation. Persons referred by a court to a resource  
179 20 center or the special unit for diagnostic evaluation shall be  
179 21 considered as outpatients of the institution. No order of  
179 22 commitment shall be issued unless the superintendent of the  
179 23 institution recommends that the order be issued, and advises  
179 24 the court that adequate facilities for the care of the person  
179 25 are available.

179 26 (2) The court shall examine the report of the county  
179 27 attorney filed pursuant to section 222.13, and if the report  
179 28 shows that neither the person nor those liable for the  
179 29 person's support under section 222.78 are presently able to  
179 30 pay the charges rising out of the person's care in ~~the a~~  
179 31 resource center, or special treatment unit, shall enter an  
179 32 order stating that finding and directing that the charges be  
179 33 paid by the person's county of residence. The court may, upon  
179 34 request of the board of supervisors, review its finding at any  
179 35 subsequent time while the person remains at the resource  
180 1 center, or is otherwise receiving care or treatment for which  
180 2 this chapter obligates the county to pay. If the court finds  
180 3 upon review that the person or those legally responsible for  
180 4 the person are presently able to pay the expenses, that  
180 5 finding shall apply only to the charges incurred during the  
180 6 period beginning on the date of the board's request for the  
180 7 review and continuing thereafter, unless and until the court  
180 8 again changes its finding. If the court finds that the  
180 9 person, or those liable for the person's support, are able to  
180 10 pay the charges, the court shall enter an order directing that  
180 11 the charges be so paid to the extent required by section  
180 12 222.78.

180 13 ~~3-~~ 2. In its order, the court shall include a finding as  
180 14 to whether the person has sufficient mental capacity to  
180 15 comprehend and exercise the right to vote.

180 16 Sec. 215. Section 222.36, Code 2009, is amended to read as  
180 17 follows:

180 18 222.36 CUSTODY PENDING ADMISSION.

180 19 If a resource center or a special unit is unable to

180 20 immediately receive a person committed under section 222.31,  
180 21 subsection ~~2~~ 1, paragraph "b", the superintendent shall notify  
180 22 the court of the time when such person may be received. In  
180 23 the meantime, said person shall be cared for under such order  
180 24 as the court may enter.

180 25 Sec. 216. Section 222.59, subsection 3, paragraph b, Code  
180 26 2009, is amended to read as follows:

180 27 b. That the patient's commitment is still appropriate but  
180 28 the patient should be transferred to another public or private  
180 29 facility in accordance with the provisions of section 222.31,  
180 30 subsection 1, paragraph "a".

180 31 Sec. 217. Section 231.32, subsection 2, Code 2009, is  
180 32 amended to read as follows:

180 33 2. The commission shall designate an area agency to serve  
180 34 each planning and service area, after consideration of the  
180 35 views offered by units of general purpose local government.

181 1 An area agency may be:

181 2 a. An established office of aging which is operating  
181 3 within a planning and service area designated by the  
181 4 commission.

181 5 b. Any office or agency of a unit of general purpose local  
181 6 government, which is designated for the purpose of serving as  
181 7 an area agency by the chief elected official of such unit.

181 8 c. Any office or agency designated by the appropriate  
181 9 chief elected officials of any combination of units of general  
181 10 purpose local government to act on behalf of the combination  
181 11 for such purpose.

181 12 d. Any public or nonprofit private agency in a planning  
181 13 and service area or any separate organizational unit within  
181 14 such agency which is under the supervision or direction for  
181 15 this purpose of the department of elder affairs and which can  
181 16 engage in the planning or provision of a broad range of  
181 17 supportive services or nutrition services within the planning  
181 18 and service area.

~~181 19 Each area agency shall provide assurance, determined  
181 20 adequate by the commission, that the area agency has the  
181 21 ability to develop an area plan and to carry out, directly or  
181 22 through contractual or other arrangements, a program in  
181 23 accordance with the plan within the planning and service area.  
181 24 In designating an area agency on aging within the planning and  
181 25 service area, the commission shall give preference to an  
181 26 established office of aging, unless the commission finds that  
181 27 no such office within the planning and service area has the  
181 28 capacity to carry out the area plan.~~

181 29 Sec. 218. Section 231.32, Code 2009, is amended by adding  
181 30 the following new subsection:

181 31 NEW SUBSECTION. 4. Each area agency shall provide  
181 32 assurance, determined adequate by the commission, that the  
181 33 area agency has the ability to develop an area plan and to  
181 34 carry out, directly or through contractual or other  
181 35 arrangements, a program in accordance with the plan within the  
182 1 planning and service area. In designating an area agency on  
182 2 aging within the planning and service area, the commission  
182 3 shall give preference to an established office of aging,  
182 4 unless the commission finds that no such office within the  
182 5 planning and service area has the capacity to carry out the  
182 6 area plan.

182 7 Sec. 219. Section 232.52, subsection 2, paragraphs a and  
182 8 c, Code 2009, are amended to read as follows:

182 9 a. An order prescribing one or more of the following:

182 10 (1) A work assignment of value to the state or to the  
182 11 public.

182 12 (2) Restitution consisting of monetary payment or a work  
182 13 assignment of value to the victim.

182 14 (3) If the child is fourteen years of age or older,  
182 15 restitution consisting of monetary payment or a work  
182 16 assignment of value to the county or to the public for fees of  
182 17 attorneys appointed to represent the child at public expense  
182 18 pursuant to section 232.11.

182 19 (4) The suspension or revocation of the driver's license  
182 20 or operating privilege of the child, for a period of one year,  
182 21 for the commission of delinquent acts which are a violation of  
182 22 any of the following:

182 23 (a) Section 123.46.

182 24 (b) Section 123.47 regarding the purchase or attempt to  
182 25 purchase of alcoholic beverages.

182 26 (c) Chapter 124.

182 27 (d) Section 126.3.

182 28 (e) Chapter 453B.

182 29 (f) Two or more violations of section 123.47 regarding the  
182 30 possession of alcoholic beverages.

182 31 (g) Section 708.1, if the assault is committed upon an  
182 32 employee of the school at which the child is enrolled, and the  
182 33 child intended to inflict serious injury upon the school  
182 34 employee or caused bodily injury or mental illness.

182 35 (h) Section 724.4, if the child carried the dangerous  
183 1 weapon on school grounds.

183 2 (i) Section 724.4B.

183 3 The child may be issued a temporary restricted license or  
183 4 school license if the child is otherwise eligible.

183 5 (5) The suspension of the driver's license or operating  
183 6 privilege of the child for a period not to exceed one year.  
183 7 The order shall state whether a work permit may or shall not  
183 8 be issued to the child.

183 9 ~~An order under paragraph "a" may be the sole disposition or  
183 10 may be included as an element in other dispositional orders.~~

183 11 c. An order providing special care and treatment required  
183 12 for the physical, emotional or mental health of the child, and

183 13 (1) Placing the child on probation or other supervision;  
183 14 and

183 15 (2) If the court deems appropriate, ordering the parent,  
183 16 guardian, or custodian to reimburse the county for any costs  
183 17 incurred as provided in section 232.141, subsection 1, or to  
183 18 otherwise pay or provide for such care and treatment.

183 19 ~~A parent or guardian may be required by the juvenile court  
183 20 to participate in educational or treatment programs as part of  
183 21 a probation plan if the court determines it to be in the best  
183 22 interest of the child. A parent or guardian who does not  
183 23 participate in the probation plan when required to do so by  
183 24 the court may be held in contempt.~~

183 25 Sec. 220. Section 232.52, subsection 2A, Code 2009, is  
183 26 amended to read as follows:

183 27 2A. a. An order under subsection 2, paragraph "a", may be  
183 28 the sole disposition or may be included as an element in other  
183 29 dispositional orders.

183 30 b. A parent or guardian may be required by the juvenile  
183 31 court to participate in educational or treatment programs as  
183 32 part of a probation plan. A parent or guardian who does not  
183 33 participate in the probation plan when required to do so by  
183 34 the court may be held in contempt.

183 35 c. Notwithstanding subsection 2, the court shall not order  
184 1 group foster care placement of the child which is a charge  
184 2 upon the state if that placement is not in accordance with the  
184 3 service area plan for group foster care established pursuant  
184 4 to section 232.143 for the departmental service area in which  
184 5 the court is located.

184 6 Sec. 221. Section 236.5, Code 2009, is amended to read as  
184 7 follows:

184 8 236.5 DISPOSITION.

184 9 1. Upon a finding that the defendant has engaged in  
184 10 domestic abuse:

184 11 ~~1-~~ a. The court may order that the plaintiff, the  
184 12 defendant, and the children who are members of the household  
184 13 receive professional counseling, either from a private source  
184 14 approved by the court or from a source appointed by the court.  
184 15 Costs of counseling shall be paid in full or in part by the  
184 16 parties and taxed as court costs. If the court determines  
184 17 that the parties are unable to pay the costs, they may be paid  
184 18 in full or in part from the county treasury.

184 19 ~~2-~~ b. The court may grant a protective order or approve a  
184 20 consent agreement which may contain but is not limited to any  
184 21 of the following provisions:

184 22 ~~a-~~ (1) That the defendant cease domestic abuse of the  
184 23 plaintiff.

184 24 ~~b-~~ (2) That the defendant grant possession of the  
184 25 residence to the plaintiff to the exclusion of the defendant  
184 26 or that the defendant provide suitable alternate housing for  
184 27 the plaintiff.

184 28 ~~c-~~ (3) That the defendant stay away from the plaintiff's  
184 29 residence, school, or place of employment.

184 30 ~~d-~~ (4) The awarding of temporary custody of or  
184 31 establishing temporary visitation rights with regard to  
184 32 children under eighteen.

184 33 (a) In awarding temporary custody or temporary visitation  
184 34 rights, the court shall give primary consideration to the  
184 35 safety of the victim and the children.

185 1 (b) If the court finds that the safety of the victim or  
185 2 the children will be jeopardized by unsupervised or  
185 3 unrestricted visitation, the court shall condition or restrict  
185 4 visitation as to time, place, duration, or supervision, or  
185 5 deny visitation entirely, as needed to guard the safety of the  
185 6 victim and the children.

185 7 (c) The court shall also investigate whether any other  
185 8 existing orders awarding custody or visitation rights should  
185 9 be modified.

185 10 ~~e-~~ (5) Unless prohibited pursuant to 28 U.S.C. } 1738B,  
185 11 that the defendant pay the clerk a sum of money for the  
185 12 separate support and maintenance of the plaintiff and children  
185 13 under eighteen.

185 14 2. An order for counseling, a protective order, or  
185 15 approved consent agreement shall be for a fixed period of time  
185 16 not to exceed one year. The court may amend or extend its  
185 17 order or a consent agreement at any time upon a petition filed  
185 18 by either party and after notice and hearing. The court may  
185 19 extend the order if the court, after hearing at which the  
185 20 defendant has the opportunity to be heard, finds that the  
185 21 defendant continues to pose a threat to the safety of the  
185 22 victim, persons residing with the victim, or members of the  
185 23 victim's immediate family. At the time of the extension, the  
185 24 parties need not meet the requirement in section 236.2,  
185 25 subsection 2, paragraph "d", that the parties lived together  
185 26 during the last year if the parties met the requirements of  
185 27 section 236.2, subsection 2, paragraph "d", at the time of the  
185 28 original order. The number of extensions that can be granted  
185 29 by the court is not limited.

185 30 3. The order shall state whether a person is to be taken  
185 31 into custody by a peace officer for a violation of the terms  
185 32 stated in the order.

185 33 ~~3-~~ 4. The court may order that the defendant pay the  
185 34 plaintiff's attorneys fees and court costs.

185 35 ~~4-~~ 5. An order or consent agreement under this section  
186 1 shall not affect title to real property.

186 2 ~~5-~~ 6. A copy of any order or approved consent agreement  
186 3 shall be issued to the plaintiff, the defendant, the county  
186 4 sheriff of the county in which the order or consent decree is  
186 5 initially entered, and the twenty-four-hour dispatcher for the  
186 6 county sheriff. Any subsequent amendment or revocation of an  
186 7 order or consent agreement shall be forwarded by the clerk to  
186 8 all individuals and the county sheriff previously notified.

186 9 7. The clerk shall notify the county sheriff and the  
186 10 twenty-four-hour dispatcher for the county sheriff in writing  
186 11 so that the county sheriff and the county sheriff's dispatcher  
186 12 receive written notice within six hours of filing the order,  
186 13 approved consent agreement, amendment, or revocation. The  
186 14 clerk may fulfill this requirement by sending the notice by  
186 15 facsimile or other electronic transmission which reproduces  
186 16 the notice in writing within six hours of filing the order.

186 17 8. The county sheriff's dispatcher shall notify all law  
186 18 enforcement agencies having jurisdiction over the matter and  
186 19 the twenty-four-hour dispatcher for the law enforcement  
186 20 agencies upon notification by the clerk.

186 21 Sec. 222. Section 252B.5, subsection 12, paragraphs a and  
186 22 b, Code 2009, are amended to read as follows:

186 23 a. ~~Comply~~ In compliance with federal procedures, ~~to~~  
186 24 periodically certify to the secretary of the United States  
186 25 department of health and human services, a list of the names  
186 26 of obligors determined by the unit to owe delinquent support,  
186 27 under a support order as defined in section 252J.1, in excess  
186 28 of two thousand five hundred dollars. The certification of  
186 29 the delinquent amount owed may be based upon one or more  
186 30 support orders being enforced by the unit if the delinquent  
186 31 support owed exceeds two thousand five hundred dollars. The  
186 32 certification shall include any amounts which are delinquent  
186 33 pursuant to the periodic payment plan when a modified order  
186 34 has been retroactively applied. The certification shall be in  
186 35 a format and shall include any supporting documentation  
187 1 required by the secretary.

187 2 b. All of the following shall apply to an action initiated  
187 3 by the unit under this subsection:

187 4 (1) The obligor shall be sent a notice by regular mail in  
187 5 accordance with federal law and regulations and the notice  
187 6 shall remain in effect until support delinquencies have been  
187 7 paid in full.

187 8 (2) The notice shall include all of the following:

187 9 (a) A statement regarding the amount of delinquent support  
187 10 owed by the obligor.

187 11 (b) A statement providing information that if the  
187 12 delinquency is in excess of two thousand five hundred dollars,  
187 13 the United States secretary of state may apply a passport  
187 14 sanction by revoking, restricting, limiting, or refusing to  
187 15 issue a passport as provided in 42 U.S.C. } 652(k).

187 16 (c) Information regarding the procedures for challenging  
187 17 the certification by the unit.

187 18 (3) (a) If the obligor chooses to challenge the  
187 19 certification, the obligor shall notify the unit within the  
187 20 time period specified in the notice to the obligor. The  
187 21 obligor shall include any relevant information with the  
187 22 challenge.

187 23 ~~(2) (a)~~ (b) A challenge shall be based upon mistake of  
187 24 fact. For the purposes of this subsection, "mistake of fact"  
187 25 means a mistake in the identity of the obligor or a mistake in  
187 26 the amount of the delinquent child support owed if the amount  
187 27 did not exceed two thousand five hundred dollars on the date  
187 28 of the unit's decision on the challenge.

187 29 ~~if the obligor chooses to challenge the certification, the~~  
187 30 ~~obligor shall notify the unit within the time period specified~~  
187 31 ~~in the notice to the obligor. The obligor shall include any~~  
187 32 ~~relevant information with the challenge.~~

187 33 (b) (4) Upon timely receipt of the challenge, the unit  
187 34 shall review the certification for a mistake of fact, or refer  
187 35 the challenge for review to the child support agency in the  
188 1 state chosen by the obligor as provided by federal law.

188 2 ~~(c)~~ (5) Following the unit's review of the certification,  
188 3 the unit shall send a written decision to the obligor within  
188 4 ten days of timely receipt of the challenge.

188 5 ~~(i)~~ (a) If the unit determines that a mistake of fact  
188 6 exists, the unit shall send notification in accordance with  
188 7 federal procedures withdrawing the certification for passport  
188 8 sanction.

188 9 ~~(ii)~~ (b) If the unit determines that a mistake of fact  
188 10 does not exist, the obligor may contest the determination  
188 11 within ten days following the issuance of the decision by  
188 12 submitting a written request for a contested case proceeding  
188 13 pursuant to chapter 17A.

188 14 ~~(3)~~ (6) Following issuance of a final decision under  
188 15 chapter 17A that no mistake of fact exists, the obligor may  
188 16 request a hearing before the district court pursuant to  
188 17 chapter 17A. The department shall transmit a copy of its  
188 18 record to the district court pursuant to chapter 17A. The  
188 19 scope of the review by the district court shall be limited to  
188 20 demonstration of a mistake of fact. Issues related to  
188 21 visitation, custody, or other provisions not related to the  
188 22 support provisions of a support order are not grounds for a  
188 23 hearing under this subsection.

188 24 Sec. 223. Section 256B.2, Code 2009, is amended to read as  
188 25 follows:

188 26 256B.2 DEFINITIONS == POLICIES == FUNDS.

188 27 1. As used in this chapter:

188 28 a. "Children requiring special education" means persons  
188 29 under twenty-one years of age, including children under five  
188 30 years of age, who have a disability in obtaining an education  
188 31 because of a head injury, autism, behavioral disorder, or  
188 32 physical, mental, communication, or learning disability, as  
188 33 defined by the rules of the department of education.

188 34 ~~2-~~ b. "Special education" means classroom, home,  
188 35 hospital, institutional, or other instruction designed to meet  
189 1 the needs of children requiring special education as defined  
189 2 in this subsection ~~±~~; transportation and corrective and  
189 3 supporting services required to assist children requiring  
189 4 special education, as defined in this subsection ~~±~~, in taking  
189 5 advantage of, or responding to, educational programs and  
189 6 opportunities, as defined by rules of the state board of  
189 7 education.

189 8 ~~3-~~ 2. It is the policy of this state to require school  
189 9 districts and state operated educational programs to provide  
189 10 or make provision, as an integral part of public education,  
189 11 for a free and appropriate public education sufficient to meet  
189 12 the needs of all children requiring special education. This  
189 13 chapter is not to be construed as encouraging separate  
189 14 facilities or segregated programs designed to meet the needs  
189 15 of children requiring special education when the children can  
189 16 benefit from all or part of the education program as offered  
189 17 by the local school district. To the maximum extent possible,  
189 18 children requiring special education shall attend regular  
189 19 classes and shall be educated with children who do not require  
189 20 special education. Whenever possible, hindrances to learning  
189 21 and to the normal functioning of children requiring special  
189 22 education within the regular school environment shall be  
189 23 overcome by the provision of special aids and services rather  
189 24 than by separate programs for those in need of special  
189 25 education. Special classes, separate schooling, or other  
189 26 removal of children requiring special education from the  
189 27 regular educational environment, shall occur only when, and to  
189 28 the extent that the nature or severity of the educational

189 29 disability is such, that education in regular classes, even  
189 30 with the use of supplementary aids and services, cannot be  
189 31 accomplished satisfactorily. For those children who cannot  
189 32 adapt to the regular educational or home living conditions,  
189 33 and who are attending facilities under chapters 263, 269, and  
189 34 270, upon the request of the board of directors of an area  
189 35 education agency, the department of human services shall  
190 1 provide residential or detention facilities and the area  
190 2 education agency shall provide special education programs and  
190 3 services. The area education agencies shall cooperate with  
190 4 the board of regents to provide the services required by this  
190 5 chapter.

190 6 3. Special aids and services shall be provided to children  
190 7 requiring special education who are less than five years of  
190 8 age if the aids and services will reasonably permit the child  
190 9 to enter the educational process or school environment when  
190 10 the child attains school age.

190 11 4. Every child requiring special education shall, if  
190 12 reasonably possible, receive a level of education commensurate  
190 13 with the level provided each child who does not require  
190 14 special education. The cost of providing such an education  
190 15 shall be paid as provided in section 273.9, this chapter, and  
190 16 chapter 257. It shall be the primary responsibility of each  
190 17 school district to provide special education to children who  
190 18 reside in that district if the children requiring special  
190 19 education are properly identified, the educational program or  
190 20 service has been approved, the teacher or instructor has been  
190 21 licensed, the number of children requiring special education  
190 22 needing that educational program or service is sufficient to  
190 23 make offering the program or service feasible, and the program  
190 24 or service cannot more economically and equably be obtained  
190 25 from the area education agency, another school district,  
190 26 another group of school districts, a qualified private agency,  
190 27 or in cooperation with one or more other districts.

190 28 ~~4.~~ 5. Moneys received by the school district of the  
190 29 child's residence for the child's education, derived from  
190 30 moneys received through chapter 257, this chapter, and section  
190 31 273.9 shall be paid by the school district of the child's  
190 32 residence to the appropriate education agency, private agency,  
190 33 or other school district providing special education for the  
190 34 child pursuant to contractual arrangements as provided in  
190 35 section 273.3, subsections 5 and ~~7~~ 6.

191 1 Sec. 224. Section 321A.39, Code 2009, is amended to read  
191 2 as follows:

191 3 321A.39 LIABILITY INSURANCE == STATEMENT.

191 4 1. Whenever any dealer licensed under chapter 322 sells a  
191 5 motor vehicle at retail and the transaction does not include  
191 6 the sale of liability insurance coverage which will protect  
191 7 the purchaser under the Iowa motor vehicle financial and  
191 8 safety responsibility Act the purchase order or invoice  
191 9 evidencing the transaction shall contain a statement in the  
191 10 following form:

191 11 I understand that liability insurance coverage which would  
191 12 protect me under the Iowa Motor Vehicle Financial and Safety  
191 13 Responsibility Act IS NOT INCLUDED in my purchase of the  
191 14 herein described motor vehicle. I have received a copy of  
191 15 this statement.

191 16  
191 17 .....  
(Purchaser's signature)

191 18 2. The seller shall print or stamp the statement  
191 19 conspicuously on the purchase order or invoice. The statement  
191 20 shall be signed by the purchaser in the space provided on or  
191 21 before the date of delivery of the motor vehicle described in  
191 22 the purchase order or invoice and a copy of the statement  
191 23 shall be given to the purchaser by the seller.

191 24 3. No civil liability shall arise on account of the  
191 25 failure of any person to comply with the provisions of this  
191 26 section.

191 27 4. Any person violating any provisions of this section  
191 28 shall be deemed guilty of a misdemeanor and shall be punished  
191 29 by a fine not exceeding fifty dollars.

191 30 Sec. 225. Section 805.8A, subsection 12, paragraph e, Code  
191 31 2009, is amended to read as follows:

191 32 e. (1) Violations of the schedule of axle and tandem axle  
191 33 and gross or group of axle weight violations in section  
191 34 321.463 shall be scheduled violations subject to the  
191 35 provisions, procedures, and exceptions contained in sections  
192 1 805.6 through 805.11, irrespective of the amount of the fine  
192 2 under that schedule.

192 3 (a) Violations of the schedule of weight violations shall  
192 4 be chargeable, where the fine charged does not exceed one

192 5 thousand dollars, only by uniform citation and complaint.  
192 6 (b) Violations of the schedule of weight violations, where  
192 7 the fine charged exceeds one thousand dollars shall, when the  
192 8 violation is admitted and section 805.9 applies, be chargeable  
192 9 upon uniform citation and complaint, indictment, or county  
192 10 attorney's information, but otherwise shall be chargeable only  
192 11 upon indictment or county attorney's information.  
192 12 (2) In all cases of charges under the schedule of weight  
192 13 violations, the charge shall specify the amount of fine  
192 14 charged under the schedule. Where a defendant is convicted  
192 15 and the fine under the foregoing schedule of weight violations  
192 16 exceeds one thousand dollars, the conviction shall be of an  
192 17 indictable offense although section 805.9 is employed and  
192 18 whether the violation is charged upon uniform citation and  
192 19 complaint, indictment, or county attorney's information.

192 20 DIVISION III  
192 21 RELATED CHANGES

192 22 Sec. 226. Section 96.3, subsection 4, Code 2009, is  
192 23 amended to read as follows:

192 24 4. DETERMINATION OF BENEFITS. With respect to benefit  
192 25 years beginning on or after July 1, 1983, an eligible  
192 26 individual's weekly benefit amount for a week of total  
192 27 unemployment shall be an amount equal to the following  
192 28 fractions of the individual's total wages in insured work paid  
192 29 during that quarter of the individual's base period in which  
192 30 such total wages were highest; the director shall determine  
192 31 annually a maximum weekly benefit amount equal to the  
192 32 following percentages, to vary with the number of dependents,  
192 33 of the statewide average weekly wage paid to employees in  
192 34 insured work which shall be effective the first day of the  
192 35 first full week in July:

193 1	2	3	4	5	6	7	8	9	10	11	12
193 1	If the	The weekly	Subject to								
193 2	number of	benefit amount	the following								
193 3	dependents	shall equal	maximum								
193 4	is:	the following	percentage of								
193 5		fraction of high	the statewide								
193 6		quarter wages:	average								
193 7			weekly wage:								
193 8	0	1/23	53%								
193 9	1	1/22	55%								
193 10	2	1/21	57%								
193 11	3	1/20	60%								
193 12	4 or more	1/19	65%								

193 13 The maximum weekly benefit amount, if not a multiple of one  
193 14 dollar shall be rounded to the lower multiple of one dollar.  
193 15 However, until such time as sixty-five percent of the  
193 16 statewide average weekly wage exceeds one hundred ninety  
193 17 dollars, the maximum weekly benefit amounts shall be  
193 18 determined using the statewide average weekly wage computed on  
193 19 the basis of wages reported for calendar year 1981. As used  
193 20 in this section "dependent" means dependent as defined in  
193 21 section 422.12, subsection 1, paragraph "a", as if the  
193 22 individual claimant was a taxpayer, except that an individual  
193 23 claimant's nonworking spouse shall be deemed to be a dependent  
193 24 under this section. "Nonworking spouse" means a spouse who  
193 25 does not earn more than one hundred twenty dollars in gross  
193 26 wages in one week.

193 27 Sec. 227. Section 147.1, subsection 5, paragraph e, Code  
193 28 2009, is amended to read as follows:

193 29 e. The board of trustees of a licensed hospital when  
193 30 performing a function relating to the reporting required by  
193 31 section 147.135, subsection 3 4.

193 32 Sec. 228. Section 203D.5, subsection 1, Code 2009, is  
193 33 amended to read as follows:

193 34 1. The board shall review annually the debits of and  
193 35 credits to the grain depositors and sellers indemnity fund  
194 1 created in section 203D.3 and shall make any adjustments in  
194 2 the per-bushel fee required under section 203D.3, subsection  
194 3 2, and the dealer-warehouse fee required under section 203D.3,  
194 4 subsection 3, that are necessary to maintain the fund within  
194 5 the limits established under this section. Not later than the  
194 6 first day of May of each year, the board shall determine the  
194 7 proposed amount of the per-bushel fee based on the expected  
194 8 volume of grain on which the fee is to be collected and that  
194 9 is likely to be handled under this chapter, and shall also  
194 10 determine any adjustment to the dealer-warehouse fee. The  
194 11 board shall make any changes in the previous year's fees in  
194 12 accordance with chapter 17A. Changes in the fees shall become  
194 13 effective on the following first day of July. The per-bushel  
194 14 fee shall not exceed one-quarter cent per bushel on all  
194 15 purchased grain as defined in section ~~203D.3~~ 203D.1. Until

194 16 the per-bushel fee is adjusted or waived as provided in this  
194 17 section, the per-bushel fee is one-quarter cent on all  
194 18 purchased grain.

194 19 Sec. 229. Section 216B.3, subsection 15, Code 2009, is  
194 20 amended to read as follows:

194 21 15. Develop a plan to provide telephone yellow pages  
194 22 information without charge to persons declared to be blind  
194 23 under the standards in section 422.12, subsection ~~1~~ 2,  
194 24 paragraph ~~"e"~~ "a", subparagraph (5). The department may apply  
194 25 for federal funds to support the service. The program shall  
194 26 be limited in scope by the availability of funds.

194 27 Sec. 230. Section 236.6, subsection 1, Code 2009, is  
194 28 amended to read as follows:

194 29 1. When the court is unavailable from the close of  
194 30 business at the end of the day or week to the resumption of  
194 31 business at the beginning of the day or week, a petition may  
194 32 be filed before a district judge, or district associate judge  
194 33 designated by the chief judge of the judicial district, who  
194 34 may grant emergency relief in accordance with section 236.5,  
194 35 subsection ~~1~~ 1, paragraph "b", if the district judge or  
195 1 district associate judge deems it necessary to protect the  
195 2 plaintiff from domestic abuse, upon good cause shown in an ex  
195 3 parte proceeding. Present danger of domestic abuse to the  
195 4 plaintiff constitutes good cause for purposes of this  
195 5 subsection.

195 6 Sec. 231. Section 237.3, subsection 2, paragraph g,  
195 7 subparagraph (5), Code 2009, is amended to read as follows:

195 8 (5) Educational programs, including special education as  
195 9 defined in section 256B.2, subsection ~~2~~ 1, paragraph "b",  
195 10 where appropriate, which are approved by the state board of  
195 11 education. The department shall not promulgate rules which  
195 12 regulate individual licensees in the subject areas enumerated  
195 13 in this paragraph.

195 14 Sec. 232. Section 238.17, Code 2009, is amended to read as  
195 15 follows:

195 16 238.17 FORMS FOR REGISTRATION AND RECORD == PRESERVATION.

195 17 1. The administrator shall prescribe forms for the  
195 18 registration and record of persons cared for by any  
195 19 child-placing agency licensed under this chapter and for  
195 20 reports required by said administrator from the agencies.

195 21 2. If, for any reason, a child-placing agency as defined  
195 22 by section ~~238.2~~ 238.1 shall cease to exist, all records of  
195 23 registration and placement and all other records of any kind  
195 24 and character kept by such child-placing agency shall be  
195 25 turned over to the administrator, for preservation, to be kept  
195 26 by the said administrator as a permanent record.

195 27 Sec. 233. Section 256F.9, Code 2009, is amended to read as  
195 28 follows:

195 29 256F.9 PROCEDURES AFTER REVOCATION == STUDENT ENROLLMENT.

195 30 If a charter school contract is revoked in accordance with  
195 31 this chapter, a nonresident student who attended the school,  
195 32 and any siblings of the student, shall be determined to have  
195 33 shown good cause as provided in section 282.18, subsection ~~16~~  
195 34 14, and may submit an application to another school district  
195 35 according to section 282.18 at any time. Applications and  
196 1 notices required by section 282.18 shall be processed and  
196 2 provided in a prompt manner. The application and notice  
196 3 deadlines in section 282.18 do not apply to a nonresident  
196 4 student application under these circumstances.

196 5 Sec. 234. Section 306C.10, subsection 9, Code 2009, is  
196 6 amended to read as follows:

196 7 9. "Information center" means a site, either with or  
196 8 without structures or buildings, established and maintained at  
196 9 a rest area for the purpose of providing "information of  
196 10 specific interest to the traveling public", as ~~that phrase is~~  
196 11 defined in section ~~306C.11, subsection 5~~ 306C.10.

196 12 Sec. 235. Section 313.4, subsection 6, paragraph a, Code  
196 13 2009, is amended to read as follows:

196 14 a. A transfer of jurisdiction fund is created in the  
196 15 office of the treasurer of state under the control of the  
196 16 department. For each fiscal year in the period beginning July  
196 17 1, 2003, and ending June 30, 2013, there is transferred from  
196 18 the primary road fund to the transfer of jurisdiction fund one  
196 19 and seventy-five hundredths percent of the moneys credited to  
196 20 the primary road fund pursuant to section 312.2, subsection 1,  
196 21 paragraph "a".

196 22 Sec. 236. Section 313.4, subsection 7, unnumbered  
196 23 paragraph 1, Code 2009, is amended to read as follows:

196 24 For the fiscal year beginning July 1, 2013, and ending June  
196 25 30, 2014, and each subsequent fiscal year, there is  
196 26 transferred the following percentages of the moneys credited

196 27 to the primary road fund pursuant to section 312.2, subsection  
196 28 1, paragraph "a", to the following funds:

196 29 Sec. 237. Section 314.21, subsection 1, Code 2009, is  
196 30 amended to read as follows:

196 31 1. a. The living roadway trust fund is created in the  
196 32 office of the treasurer of state. The moneys in this fund  
196 33 shall be used exclusively for the development and  
196 34 implementation of integrated roadside vegetation plans.  
196 35 Except as provided in subsections 2 and 3, the moneys shall  
197 1 only be expended for areas on or adjacent to road, street, and  
197 2 highway right-of-ways. The state department of transportation  
197 3 in consultation with the department of natural resources shall  
197 4 establish standards relating to the type of projects available  
197 5 for assistance. For the fiscal period beginning July 1, 1988,  
197 6 and ending March 31, 1990, the moneys in the fund shall be  
197 7 expended as follows: fifty-six percent on state department of  
197 8 transportation projects; thirty percent on county projects;  
197 9 and fourteen percent on city projects.

197 10 b. A city or county which has a project which qualifies  
197 11 for the use of these funds shall submit a request for the  
197 12 funds to the state department of transportation. A city or  
197 13 county may, at its option, apply moneys allocated for use on  
197 14 city or county projects under this subsection toward  
197 15 qualifying projects on the primary system. The state  
197 16 department of transportation in consultation with the  
197 17 department of natural resources shall determine which projects  
197 18 qualify for the funds and which projects shall be funded if  
197 19 the requests for the funds exceed the availability of the  
197 20 funds. In ranking applications for funds, the department  
197 21 shall consider the proportion of political subdivision  
197 22 matching funds to be provided, if any, and the proportion of  
197 23 private contributions to be provided, if any. In considering  
197 24 the proportion of political subdivision matching funds  
197 25 provided, the department shall consider only those moneys  
197 26 which are in addition to those which the political subdivision  
197 27 has historically provided toward such projects. Funds  
197 28 allocated to the cities, the counties, and the department  
197 29 which are not programmed by the end of each fiscal year shall  
197 30 be available for redistribution to any eligible applicant  
197 31 regardless of the original allocation of funds. Such funds  
197 32 shall be awarded for eligible projects based upon their merit  
197 33 in meeting the program objectives established by the  
197 34 department under section 314.22. The department shall submit  
197 35 a report of all projects funded in the previous fiscal year to  
198 1 the governor and to the general assembly on January 15 of each  
198 2 year.

198 3 c. Beginning April 1, 1990, the moneys in the living  
198 4 roadway trust fund shall be allocated between the state,  
198 5 counties, and cities in the same proportion that the road use  
198 6 tax funds are allocated under section 312.2, ~~subsections~~  
198 7 ~~subsection 1, 2, 3, and 4 paragraphs "a", "b", "c", and "d"~~.  
198 8 However, after April 1, 1990, a city or county shall not be  
198 9 eligible to receive moneys from the living roadway trust fund  
198 10 unless the city or county has an integrated roadside  
198 11 vegetation management plan in place consistent with the  
198 12 objectives in section 314.22.

198 13 Sec. 238. Section 321.233, Code 2009, is amended to read  
198 14 as follows:

198 15 321.233 ROAD WORKERS EXEMPTED.

198 16 This chapter, except sections 321.277 and 321.280, does not  
198 17 apply to persons and motor vehicles and other equipment while  
198 18 actually engaged in work upon the surface of a highway  
198 19 officially closed to traffic but does apply to such persons  
198 20 and vehicles when traveling to or from such work. The minimum  
198 21 speed restriction of section 321.285, subsection ~~6~~ 5, and the  
198 22 provisions of sections 321.297, 321.298, and 321.323 do not  
198 23 apply to road workers operating maintenance equipment on  
198 24 behalf of any state or local authority while engaged in road  
198 25 maintenance, road blading, snow and ice control and removal,  
198 26 and granular resurfacing work on a highway, whether or not the  
198 27 highway is closed to traffic.

198 28 Sec. 239. Section 327G.30, Code 2009, is amended to read  
198 29 as follows:

198 30 327G.30 ADJUSTMENT OF EXPENSE.

198 31 1. If a grade crossing surface of a railroad track and a  
198 32 highway, street, or alley shall require repairs or  
198 33 maintenance, the costs for the maintenance may be paid as  
198 34 provided in section 312.2, subsection 5 2.

198 35 2. If the railroad corporation and the jurisdiction having  
199 1 authority agree on the method of crossing maintenance and  
199 2 establish an agreement to each contribute costs as provided in

199 3 section 312.2, subsection 5 2, a copy of the agreement shall  
199 4 be filed with the department which shall allocate an amount of  
199 5 the cost for the work if funds are available in the highway  
199 6 railroad grade crossing surface repair fund. The department  
199 7 shall make appropriate notification if the fund is exhausted  
199 8 in which case agreements shall not be made under this section  
199 9 until additional funds are available. The fund shall be  
199 10 administered by the department.

199 11 3. Upon completion of the agreed repair work, a statement  
199 12 of costs shall be filed with the department by the railroad  
199 13 corporation in a form and manner prescribed by the department.  
199 14 The department, upon approval of the statement, shall pay to  
199 15 the railroad corporation an amount of the cost of the work  
199 16 from the highway railroad grade crossing surface repair fund  
199 17 as provided in section 312.2, subsection 5 2. The owner of  
199 18 the track and the jurisdiction entering into the agreement  
199 19 shall each pay the cost as provided in section 312.2,  
199 20 subsection 5 2.

199 21 Sec. 240. Section 331.362, subsection 9, Code 2009, is  
199 22 amended to read as follows:

199 23 9. A county may regulate traffic on and use of the  
199 24 secondary roads, in accordance with sections 321.236 to  
199 25 321.250, 321.254, 321.255, 321.285, subsection 5 4, sections  
199 26 321.352, 321.471 to 321.473, and other applicable provisions  
199 27 of chapter 321, and sections 321G.9, 321I.10, and 327G.15.

199 28 Sec. 241. Section 422.8, subsection 4, Code 2009, is  
199 29 amended to read as follows:

199 30 4. The amount of minimum tax paid to another state or  
199 31 foreign country by a resident taxpayer of this state from  
199 32 preference items derived from sources outside of Iowa shall be  
199 33 allowed as a credit against the tax computed under this  
199 34 division except that the credit shall not exceed what the  
199 35 amount of state alternative minimum tax would have been on the  
200 1 same preference items which were taxed by the other state or  
200 2 foreign country. The limitation on this credit shall be  
200 3 computed according to the following formula: The total of  
200 4 preference items earned outside of Iowa and taxed by another  
200 5 state or foreign country shall be divided by the total of  
200 6 preference items of the resident taxpayer of Iowa. In  
200 7 computing this quotient, those items excludable under section  
200 8 422.5, subsection 2, paragraph ~~"k"~~ "b", subparagraph (1)  
200 9 shall not be used in computing the preference items. This  
200 10 quotient multiplied times the net state alternative minimum  
200 11 tax as determined in section 422.5, subsection 2, ~~paragraph~~  
~~200 12 "k"~~ on the total of preference items as if entirely earned in  
200 13 Iowa shall be the maximum tax credit against the Iowa  
200 14 alternative minimum tax. However, the maximum tax credit will  
200 15 not be allowed to the extent that the minimum tax imposed by  
200 16 the other state or foreign country is less than the maximum  
200 17 tax credit computed above.

200 18 Sec. 242. Section 422.11B, Code 2009, is amended to read  
200 19 as follows:

200 20 422.11B MINIMUM TAX CREDIT.

200 21 1. a. There is allowed as a credit against the tax  
200 22 determined in section 422.5, subsection 1, paragraphs "a"  
200 23 through "j" for a tax year an amount equal to the minimum tax  
200 24 credit for that tax year.

200 25 b. The minimum tax credit for a tax year is the excess, if  
200 26 any, of the net minimum tax imposed for all prior tax years  
200 27 beginning on or after January 1, 1987, over the amount  
200 28 allowable as a credit under this section for those prior tax  
200 29 years.

200 30 2. a. The allowable credit under subsection 1 for a tax  
200 31 year shall not exceed the excess, if any, of the tax  
200 32 determined in section 422.5, subsection 1, paragraphs "a"  
200 33 through "j" over the state alternative minimum tax as  
200 34 determined in section 422.5, subsection 1, ~~paragraph "k"~~ 2.

200 35 b. The net minimum tax for a tax year is the excess, if  
201 1 any, of the tax determined in section 422.5, subsection 2,  
201 2 ~~paragraph "k"~~ for the tax year over the tax determined in  
201 3 section 422.5, subsection 1, paragraphs "a" through "j" for  
201 4 the tax year.

201 5 Sec. 243. Section 422.13, subsection 1, paragraph c, Code  
201 6 2009, is amended to read as follows:

201 7 c. However, if that part of the net income of a  
201 8 nonresident which is allocated to Iowa pursuant to section  
201 9 422.8, subsection 2, is less than one thousand dollars the  
201 10 nonresident is not required to make and sign a return except  
201 11 when the nonresident is subject to the state alternative  
201 12 minimum tax imposed pursuant to section 422.5, subsection 1,  
~~201 13 paragraph "k"~~ 2.

201 14 Sec. 244. Section 422.13, subsection 1A, Code 2009, is  
201 15 amended to read as follows:  
201 16 1A. Notwithstanding any other provision in this section, a  
201 17 resident of this state is not required to make and file a  
201 18 return if the person's net income is equal to or less than the  
201 19 appropriate dollar amount listed in section 422.5, subsection  
201 20 ~~2~~ 3, upon which tax is not imposed. A nonresident of this  
201 21 state is not required to make and file a return if the  
201 22 person's total net income in section 422.5, subsection 1,  
201 23 paragraph "j", is equal to or less than the appropriate dollar  
201 24 amount provided in section 422.5, subsection ~~2~~ 3, upon which  
201 25 tax is not imposed. For purposes of this subsection, the  
201 26 amount of a lump sum distribution subject to separate federal  
201 27 tax shall be included in net income for purposes of  
201 28 determining if a resident is required to file a return and the  
201 29 portion of the lump sum distribution that is allocable to Iowa  
201 30 is included in total net income for purposes of determining if  
201 31 a nonresident is required to make and file a return.

201 32 Sec. 245. Section 437A.14, subsection 4, Code 2009, is  
201 33 amended to read as follows:

201 34 4. a. Notwithstanding subsections 2 and 3, the chief  
201 35 financial officer of any local taxing authority and any  
202 1 designee of such officer shall have access to any computations  
202 2 made by the director pursuant to the provisions of this  
202 3 chapter, and any tax return or other information used by the  
202 4 director in making such computations, which affect the  
202 5 replacement tax owed by any such taxpayer.

202 6 b. Notwithstanding this section, providing information  
202 7 relating to the kilowatt-hours of electricity or therms of  
202 8 natural gas delivered by a taxpayer in a competitive service  
202 9 area to the task force established in section 437A.15,  
202 10 subsection 7, ~~or to the study committee established in section~~  
~~202 11 476.6, subsection 20,~~ is not a violation of this section.

202 12 Sec. 246. Section 455B.178, Code 2009, is amended to read  
202 13 as follows:

202 14 455B.178 JUDICIAL REVIEW.

202 15 Except as provided in section 455B.191, subsection ~~6~~ 5,  
202 16 judicial review of any order or other action of the commission  
202 17 or of the director may be sought in accordance with the terms  
202 18 of the Iowa administrative procedure Act, chapter 17A.  
202 19 Notwithstanding the terms of said Act, petitions for judicial  
202 20 review may be filed in the district court of the county in  
202 21 which the alleged offense was committed or such final order  
202 22 was entered.

202 23 Sec. 247. Section 600A.2, subsection 2, Code 2009, is  
202 24 amended to read as follows:

202 25 2. "Agency" means a child-placing agency as defined in  
202 26 section ~~238.2~~ 238.1 or the department.

202 27 Sec. 248. Section 600A.6B, subsections 1 and 2, Code 2009,  
202 28 are amended to read as follows:

202 29 1. A person filing a petition for termination of parental  
202 30 rights under this chapter or the person on whose behalf the  
202 31 petition is filed shall be responsible for the payment of  
202 32 reasonable attorney fees for counsel appointed pursuant to  
202 33 section 600A.6A unless the person filing the petition is a  
202 34 private child-placing agency as defined in section ~~238.2~~ 238.1  
202 35 or unless the court determines that the person filing the  
203 1 petition or the person on whose behalf the petition is filed  
203 2 is indigent.

203 3 2. If the person filing the petition is a private  
203 4 child-placing agency as defined in section ~~238.2~~ 238.1 or if  
203 5 the person filing the petition or the person on whose behalf  
203 6 the petition is filed is indigent, the appointed attorney  
203 7 shall be paid reasonable attorney fees as determined by the  
203 8 state public defender.

203 9  
203 10 DIVISION IV  
203 11 EFFECTIVE DATES

203 12 Sec. 249. EFFECTIVE DATES.

203 13 1. The section of this Act that amends section 294A.9,  
203 14 subsection 9, Code 2009, being deemed of immediate importance,  
203 15 takes effect upon enactment.

203 16 2. The section of this Act that amends 2008 Iowa Acts,  
203 17 chapter 1191, section 109, being deemed of immediate  
203 18 importance, takes effect upon enactment and applies  
203 19 retroactively to July 1, 2008.

203 20 EXPLANATION

203 21 This bill contains statutory corrections that adjust  
203 22 language to reflect current practices, insert earlier  
203 23 omissions, delete redundancies and inaccuracies, delete  
203 24 temporary language, resolve inconsistencies and conflicts,  
203 25 update ongoing provisions, or remove ambiguities. The Code

203 25 sections amended include the following:  
203 26 DIVISION I == MISCELLANEOUS PROVISIONS. Code section  
203 27 6B.14: Strikes the word "aforesaid" and adds after the word  
203 28 "notices" the words "required by" and a citation to Code  
203 29 section 6B.8, to clarify just which notices are being referred  
203 30 to in this Code section.  
203 31 Code sections 9D.1 and 9D.2: Moves a definition that  
203 32 applies to the entire Code chapter, from Code section 9D.2,  
203 33 and places it in alphabetical order with other definitions at  
203 34 the beginning of the Code chapter, precedes the listing of  
203 35 definitions with the standard phrasing relating to  
204 1 applicability of the definitions, and renumbers the  
204 2 definitions. Code section 9D.2 is also renumbered and  
204 3 internal references are updated due to the elimination of the  
204 4 definition from that Code section.  
204 5 Code section 10.1: Changes the word "that" to "each" to  
204 6 conform the language relating to percentage of ownership by  
204 7 farmers cooperative associations to the initial language in  
204 8 the same sentence that indicates that more than one type of  
204 9 membership interest may be established.  
204 10 Code section 15.103: Adds clarifying language in two  
204 11 places to specify that the requirements relating to expertise  
204 12 and active employment apply to the voting membership of the  
204 13 economic development board.  
204 14 Code section 15.247(2): Adds the name of the targeted  
204 15 small business financial assistance program to the enabling  
204 16 language for the program, moves some language, and adds  
204 17 paragraph designations.  
204 18 Code section 16.1(1): Substitutes the word "which" for the  
204 19 word "and" and strikes an extraneous modifying phrase to  
204 20 clarify the meaning of the word "powers" within the Code  
204 21 chapter pertaining to the Iowa finance authority.  
204 22 Code section 24.20: Substitutes a singular reference for a  
204 23 plural reference to municipalities and adds the words "tax  
204 24 rates and levies" after the word "such" to clarify that the  
204 25 tax rates and levies certified by a given municipality are the  
204 26 rates and levies for that particular municipality, unless the  
204 27 particular rates or levies must be authorized by a vote of the  
204 28 people.  
204 29 Code section 26.14: Conforms phraseology relating to  
204 30 determination of which bid is the lowest responsible bid on a  
204 31 public improvement to other language that states that the bid  
204 32 must be the lowest responsive, responsible bid.  
204 33 Code section 42.3: Clarifies, in language in subsection 1,  
204 34 paragraph "b", that provides that certain deadlines may be  
204 35 extended, which dates and deadlines are actually intended.  
205 1 Current language specifies the entire subsection, although the  
205 2 dates that are to be extended under this paragraph are located  
205 3 in paragraph "a". In addition, in subsection 2, language is  
205 4 moved from the end of the sentence to a location which is  
205 5 closer to the verb "transmit" to clarify that the language in  
205 6 subsection 1 references the time frame in which the  
205 7 transmission of information by the chief clerk of the house of  
205 8 representatives or the secretary of the senate should occur  
205 9 and not the reasons why the reapportionment plan was not  
205 10 approved.  
205 11 Code section 46.2A: Substitutes references to Code chapter  
205 12 40 for Code chapter 42 in two places, because the  
205 13 congressional districts are described in Code chapter 40, not  
205 14 Code chapter 42.  
205 15 Code section 49.36: Strikes the words "the foregoing" and  
205 16 adds a cite to Code sections 49.32 and 49.35 to clarify in  
205 17 which Code sections the phrase "group of petitioners" means an  
205 18 organization which is not a political party as defined by law.  
205 19 Code section 52.25(2): Strikes words relating to special  
205 20 paper and inserts used in voting machines to conform to  
205 21 changes made in 2007 Iowa Acts, chapter 190.  
205 22 Code sections 62.1A and 62.2: Substitutes references to  
205 23 the term "member" for references to "person" and "judge" or  
205 24 "judges" and "officer" to conform terminology within this  
205 25 provision to language used in Code chapter 61 to describe the  
205 26 contest court that hears disputes concerning the election of  
205 27 state officers and to distinguish references to the members of  
205 28 the contest court from members of the judiciary. A  
205 29 grammatical problem is also corrected in Code section 62.2.  
205 30 Code section 68B.22(4): Conforms the term used to describe  
205 31 an exception to a provision describing when a gift to a public  
205 32 official or employee may be permitted to the term used in the  
205 33 provision describing the exception for certain legislative  
205 34 functions. This conforms this Code subsection to the changes  
205 35 made by 2005 Iowa Acts, chapter 76, section 5.

206 1 Code section 73.16(2): Strikes an obsolete reference to an  
206 2 initial quarterly report that was required to be made by state  
206 3 government agencies or departments to the targeted small  
206 4 business marketing and compliance manager on September 30,  
206 5 2007.

206 6 Code section 75.1(1): Substitutes the word "Ballots" for  
206 7 "All ballots" and the word "but" for the word "and" to clarify  
206 8 which ballots are not to be used to compute the total number  
206 9 of votes for and against a proposition to authorize the  
206 10 issuance of bonds by a city, county township, school  
206 11 corporation, or any local board or commission.

206 12 Code section 85.59: Numbers a provision and restructures  
206 13 language establishing definitions within a provision  
206 14 establishing when workers' compensation benefits may be  
206 15 awarded to inmates of a correctional institution to facilitate  
206 16 citation.

206 17 Code section 85.66: Conforms capitalization of the name of  
206 18 the fund to Code style and numbers this provision establishing  
206 19 the second injury fund to facilitate citation; substitutes a  
206 20 reference to identical language in another Code section for  
206 21 language specifying the amount that is to be reimbursed to the  
206 22 attorney general for services related to the second injury  
206 23 fund to eliminate the redundancy; and moves language regarding  
206 24 investments of surplus moneys by the treasurer of state to a  
206 25 location in the Code section which follows multiple provisions  
206 26 relating to disbursements by the treasurer from the fund.

206 27 Code section 89.11: Numbers this provision containing two  
206 28 separate instances in which the labor commissioner may seek an  
206 29 injunction against an owner, user, or person in charge of  
206 30 defective equipment and clarifies the second instance by  
206 31 adding conforming language relating to conduct from which the  
206 32 owner, user, or person is requested to be enjoined and  
206 33 conforming language describing the point in time in which the  
206 34 injunction may be sought.

206 35 Code section 96.19(17): Adds language conforming a  
207 1 reference to "the foregoing provisions" to other references  
207 2 within this Code subsection to "subsection 16 or section 96.8,  
207 3 subsection 3".

207 4 Code section 100B.1(1): Adds the word "voting" to this  
207 5 provision to clarify that these particular public members of  
207 6 the state fire service and emergency response council are  
207 7 voting members of the council. This change is consistent with  
207 8 initial language in this Code section specifying that the  
207 9 council has 11 voting members and one ex officio member.

207 10 Code section 100C.3(2): Strikes the word "not" and  
207 11 substitutes the word "confidential" for the word "public" to  
207 12 clarify that the criminal history check results are  
207 13 confidential public records under the public records law.  
207 14 This change is consistent with Code section 692.8A, which  
207 15 governs the dissemination of criminal history records under  
207 16 the public records chapter, Code chapter 22.

207 17 Code section 103.15(2): Rewrites the language referring to  
207 18 continuous employment of an employee to conform with changes  
207 19 made to that language by 2008 Iowa Acts, chapter 1092, section  
207 20 20.

207 21 Code section 103.30: Adds the words "the employees are" to  
207 22 clarify that the time frame during which the electrical work  
207 23 of certain employees is not required to be inspected is when  
207 24 those employees are acting within the scope of their  
207 25 employment.

207 26 Code section 125.86(3): Conforms terminology used in  
207 27 language added to both this provision and Code section 229.15,  
207 28 subsection 2, by 2008 Iowa Acts, chapter 1082, to the  
207 29 terminology used to describe the persons and process used for  
207 30 hospitalization of persons for substance abuse treatment.

207 31 Code section 135.1(4): Strikes, within the definition of  
207 32 the term "physician" in the Code chapter relating to the  
207 33 department of public health, a phrase that refers to  
207 34 designations to be used by persons licensed as osteopaths.  
207 35 Code chapter 150, which provided for the licensing of  
208 1 osteopaths, was repealed by 2008 Iowa Acts, chapter 1088.

208 2 Code section 135.17(1): Strikes the words "or 150" to  
208 3 conform to the changes made in 2008 Iowa Acts, chapter 1088.  
208 4 The Code chapters relating to osteopathy and osteopathic  
208 5 medicine and surgery were repealed in that Act, but those  
208 6 persons licensed to perform osteopathic medicine and surgery  
208 7 under former Code chapter 150A were subsumed into Code chapter  
208 8 148 (licensing procedures).

208 9 Code section 135.24(6): Adds a reference to the licensing  
208 10 of speech pathologists and audiologists to the list of other  
208 11 licensed health care providers regulated by boards of those

208 12 particular professions and under the jurisdiction of the  
208 13 department of public health.

208 14 Code section 135.37(6): Conforms language relating to  
208 15 inspections and enforcement activities of the local boards of  
208 16 health with respect to tattooing establishments with earlier  
208 17 language describing an intent to avoid duplication of those  
208 18 efforts with the same efforts by the department of public  
208 19 health.

208 20 Code section 135.159: Strikes language referencing the  
208 21 licensing of physicians pursuant to Code chapter 150 to  
208 22 conform with changes made by 2008 Iowa Acts, chapter 1088,  
208 23 which placed osteopathic physicians together with physicians  
208 24 who possess an M.D. under the Code chapter 148 licensing  
208 25 procedures and the authority of the board of medicine.

208 26 Code sections 135B.20, 136C.1, 136C.3, 142.1, 142C.2, and  
208 27 162.2: Replaces the term "osteopathy" with the term  
208 28 "osteopathic medicine" to correct a terminology change  
208 29 oversight in 2008 Iowa Acts, chapter 1088.

208 30 Code section 135C.33(5): Corrects a reference by name to  
208 31 the homemaker-home health aide services program in language  
208 32 relating to child or dependent adult abuse and criminal record  
208 33 checks.

208 34 Code section 137F.3A(1): Restructures and renumbers  
208 35 language enumerating the conditions which must be met before  
209 1 the department of inspections and appeals may employ  
209 2 additional persons to enforce the provisions of the hotel  
209 3 sanitation, home food establishment, and food establishment  
209 4 and food processing plant Code chapters.

209 5 Code section 137F.6(1): Restructures language relating to  
209 6 license fees charged to food establishments to conform to the  
209 7 style of other provisions within this subsection.

209 8 Code section 142A.3: Restructures and renumbers language  
209 9 establishing the commission on tobacco use prevention and  
209 10 control and the advisory council to the commission.

209 11 Code section 144.14: Renumbers and conforms the phrase "of  
209 12 finding" to the phrase "the child was found" which is used  
209 13 elsewhere in the provision relating to reports and  
209 14 certificates of birth for foundlings.

209 15 Code section 144C.2(3) and 144C.3(4): Changes the term  
209 16 "assisted living program facility" to the term "assisted  
209 17 living program" to conform the terminology used in Code  
209 18 chapter 144C, which relates to final disposition of human  
209 19 remains, with the terminology used in Code chapter 231C to  
209 20 describe certified programs which provide housing with  
209 21 services for assisted living.

209 22 Code section 147.14: Replaces a reference to Code chapter  
209 23 147 with a reference to Code chapter 155 in language that  
209 24 excludes persons licensed as nursing home administrators from  
209 25 being public members of the board for nursing home  
209 26 administrators to conform to changes made by 2008 Iowa Acts,  
209 27 chapter 1088.

209 28 Code section 147.55: Rewrites the first paragraph in this  
209 29 provision to clarify that, although a licensee's license may  
209 30 be suspended or revoked if a licensee commits one of the  
209 31 enumerated acts or offenses, the licensee as an individual  
209 32 would be subject to discipline by the board for the licensee's  
209 33 profession.

209 34 Code section 147.80: Adds language relating to  
209 35 registration and certification of health care professionals to  
210 1 reflect the fact that some of the health care professionals  
210 2 regulated under Code chapter 147 and other Code chapters  
210 3 register with or are issued a certificate by their respective  
210 4 boards, instead of being licensed. This addition clarifies  
210 5 that all of the health care profession boards have the same  
210 6 authority to verify a practitioner's status before the board.

210 7 Code section 147.85: Updates language relating to  
210 8 impersonation of a health care practitioner to conform to  
210 9 other provisions throughout the Code, including Code sections  
210 10 80.6, 103.38, 103.39, 155A.20, 169.18, 206.11, 341A.17,  
210 11 542B.25, 542B.27, and 544A.15, which deal with impersonation  
210 12 of various professionals, officials, or public employees.

210 13 Code section 147.135: Strikes references to "chapter 150,  
210 14 or chapter 150A" to conform to the changes regarding physician  
210 15 licensure in 2008 Iowa Acts, chapter 1088.

210 16 Code section 148.2A(2): Strikes the word "members" in  
210 17 language relating to licensure of persons who may constitute a  
210 18 member of a hearing panel for the board of medicine because of  
210 19 the use of alternate members in the creation of the membership  
210 20 of the hearing panels. Alternate members of the board of  
210 21 medicine are only members of the hearing panel and not  
210 22 otherwise "members of board" within the meaning of Code

210 23 section 148.2A.  
210 24 Code section 148.3(2): Strikes the words "and collected by  
210 25 the board and transmitted to" because the board of medicine  
210 26 members do not themselves act as the collection agents for  
210 27 unpaid license and renewal fees although the fees are paid to  
210 28 the board.  
210 29 Code section 148.6(2): Renumbers language relating to  
210 30 investigations by the board of medicine based on allegations  
210 31 of inability to practice medicine and surgery or osteopathic  
210 32 medicine and surgery due to illness, substance abuse, or other  
210 33 mental or physical condition.  
210 34 Code section 148.14: Adds a reference to Code chapter 147  
210 35 within the provision authorizing the appointment of  
211 1 investigators for the board of medicine to correspond with  
211 2 provisions in Code chapter 147 that provide for the common  
211 3 power and responsibility for all of the health care profession  
211 4 boards to perform various activities and duties.  
211 5 Code section 148A.7: Numbers language internally in this  
211 6 Code section prohibiting false use of titles by persons and  
211 7 entities providing health care services.  
211 8 Code sections 153.14 and 154B.5: Replaces the term  
211 9 "osteopaths" with the term "osteopathic physicians" to correct  
211 10 a terminology change oversight in 2008 Iowa Acts, chapter  
211 11 1088.  
211 12 Code sections 154A.6 and 155.17: Renumbers and changes a  
211 13 reference to "such" information to a reference to information  
211 14 "in violation of subsection 1" to eliminate unnumbered  
211 15 paragraphs and to clarify what type of communication is  
211 16 criminalized.  
211 17 Code section 154C.3(1)(c)(5): Letters an unnumbered  
211 18 paragraph in a provision relating to supervision of persons  
211 19 who are applying for a license as an independent social worker  
211 20 and renumbers the balance of the provision.  
211 21 Code section 154F.2: Adds a reference to "osteopathic  
211 22 physician" after the word "physician" to conform with changes  
211 23 made by 2008 Iowa Acts, chapter 1088, in language relating to  
211 24 the conducting of hearing tests.  
211 25 Code section 155.2(1): Adds the words "this chapter and"  
211 26 in language relating to qualifications for public membership  
211 27 on the board for nursing home administrators because nursing  
211 28 home administrators are licensed pursuant to Code chapters 147  
211 29 and 155.  
211 30 Code section 155A.15(2): Numbers an unnumbered paragraph,  
211 31 containing an exception to prohibitions against delivery of  
211 32 prescription drugs or devices with authorization to allow the  
211 33 furnishing of prescription drugs to licensed health care  
211 34 facilities for storage in secured emergency medical supplies,  
211 35 to include the paragraph within a series of exceptions to  
212 1 prohibitions against delivery prescription drugs to a person  
212 2 without legal authorization. The initial language which  
212 3 clarified that the former unnumbered paragraph was an  
212 4 exception was deleted to conform the provision to the style of  
212 5 the other exceptions.  
212 6 Code sections 158.1 and 158.2: Redrafts language in Code  
212 7 section 158.1 by conforming language defining what practices  
212 8 constitute "barbering" to the standard style used in  
212 9 definitions throughout the Code and by moving a prohibition  
212 10 from the end of the definition to Code section 158.2, which  
212 11 contains similar prohibitions.  
212 12 Code section 159A.4: Reorganizes and renumbers provisions  
212 13 establishing the renewable fuels and coproducts advisory  
212 14 committee to group like subject matters together and clarify  
212 15 which of the members are voting members.  
212 16 Code section 161.1: Changes the word "section" to  
212 17 "chapter" to clarify that the entire chapter is what is known  
212 18 as the "Iowa Agrichemical Remediation Act".  
212 19 Code section 161F.6: Reorganizes and numbers this  
212 20 provision by separating applicability provisions from  
212 21 definitions, grouping applicability provisions together in one  
212 22 subsection, and breaking the definitions into a lettered list  
212 23 within the other subsection.  
212 24 Code section 166D.10: Reorganizes and renumbers this  
212 25 provision to separate out the rules and the exceptions  
212 26 enumerated for the sale, lease, exhibition, loan, movement, or  
212 27 relocation of swine within this state.  
212 28 Code section 169.5: Reorganizes, updates, and renumbers  
212 29 this provision establishing the board for veterinary medicine.  
212 30 Code section 175B.4: Adds the word "other" before the word  
212 31 "programs" to clarify that, in addition to the Iowa farmers'  
212 32 market nutrition program, the department of agriculture and  
212 33 land stewardship may provide other programs to promote the

212 34 purposes of the federal farmers' market nutrition program.  
212 35 Code section 190.12: Numbers provisions relating to  
213 1 bacterial and coliform limits in frozen desserts and clarifies  
213 2 that the limitations on finding certain levels in samples  
213 3 apply to all of the standards set out in the table contained  
213 4 in this Code section.  
213 5 Code section 191.6: Updates the name of the federal agency  
213 6 and the Code of federal regulations citation pertaining to the  
213 7 standards for oleo, oleomargarine, or margarine that is  
213 8 manufactured or sold in this state to reflect the name of the  
213 9 current federal agency in charge of setting that type of  
213 10 standard and the currently applicable federal regulations.  
213 11 Code section 200.14: Updates language and letters  
213 12 unnumbered paragraphs within this provision relating to the  
213 13 adoption of rules regarding safety standards for use of  
213 14 anhydrous ammonia by the secretary of agriculture.  
213 15 Code section 203C.18: Changes a reference from "the Act"  
213 16 to "this chapter" to reflect the fact that Code chapter 203C  
213 17 is the Iowa warehouse Act.  
213 18 Code sections 203D.1 and 203D.3: Moves a definition of the  
213 19 term "purchased grain" from Code section 203D.3 to Code  
213 20 section 203D.1 and places it in alphabetical order with other  
213 21 definitions for Code chapter 203D.  
213 22 Code section 206.6(5): Adds paragraph designations to  
213 23 eliminate unnumbered paragraphs and then adds the words "a  
213 24 nonresident person is" to complete and clarify a sentence in a  
213 25 paragraph that limits when the secretary of agriculture may  
213 26 adopt rules for issuing an aviation license to a nonresident  
213 27 person to those situations when the nonresident is engaged in  
213 28 the aerial application of pesticides.  
213 29 Code section 207.15(1), (2), and (5): Adds paragraph  
213 30 designations to eliminate unnumbered paragraphs and  
213 31 substitutes the words "account for" for the word "consider" to  
213 32 clarify that the division of soil conservation of the  
213 33 department of agriculture and land stewardship may reassess  
213 34 any penalty if necessary to account for facts that were not  
213 35 available when the original assessment was made.  
214 1 Code section 216.8A(3): Restructures a sentence relating  
214 2 to nondiscriminatory conditions that may be imposed by a  
214 3 landlord in a renter's agreement to conform the provision with  
214 4 the balance of the paragraph that establishes what constitutes  
214 5 discrimination in housing.  
214 6 Code section 216.16: Renumbers and restructures a portion  
214 7 of this section relating to the issuance of a 60-day  
214 8 administrative release by the civil rights commission to break  
214 9 the reasons that a release will not be issued into a numbered  
214 10 list.  
214 11 Code section 216E.7: Substitutes a Code chapter reference  
214 12 to Code chapter 154F to reflect changes made by 2008 Iowa  
214 13 Acts, chapter 1088, to shift authority and responsibilities  
214 14 for licensing of audiologists from Code chapter 147 to 154F.  
214 15 Code section 229.15: Strikes references to Code chapters  
214 16 150 and 150A to conform to changes made regarding physician  
214 17 licensure in 2008 Iowa Acts, chapter 1088, in language  
214 18 establishing the conditions under which a psychiatric advanced  
214 19 registered nurse practitioner may complete a periodic report  
214 20 on a patient who has been hospitalized due to chronic mental  
214 21 illness.  
214 22 Code sections 235.1, 238.1, and 238.2: Consolidates,  
214 23 duplicates, and relocates various definitions to clarify that  
214 24 definitions contained in Code chapter 235 are also applicable  
214 25 in Code chapter 238. In Code section 235.1, a paragraph  
214 26 containing definitions that apply in this chapter governing  
214 27 child welfare and Code chapter 238 is split and the  
214 28 definitions are placed into an alphabetical, numbered list.  
214 29 The definitions of the terms "state division",  
214 30 "administrator", and "child" from Code section 235.1 are added  
214 31 to Code section 238.1, along with a definition of  
214 32 "child-placing agency" which is taken from Code section 238.2,  
214 33 and all of the definitions are placed in an alphabetical,  
214 34 numbered list. Code section 238.2 is then repealed as  
214 35 redundant.  
215 1 Code sections 235B.3A, 235E.3, 236.12, and 709.22:  
215 2 Conforms, in several notice provisions, a provision that  
215 3 describes additional information that must be given to victims  
215 4 of certain crimes relating to shelters, support groups, and  
215 5 crisis lines operating in the area by striking a paragraph  
215 6 that follows a description of the contents of a statement of  
215 7 rights and subsuming the contents of that paragraph into the  
215 8 paragraph which precedes that statement description.  
215 9 Code section 235E.2(13)(a): Adds language referencing an

215 10 employee organization in two places which express conditions  
215 11 and in which the term "union representative" appears, to  
215 12 conform the language to language that appears earlier in this  
215 13 paragraph that provides that an employee organization or union  
215 14 representative may observe the investigative interview of an  
215 15 alleged dependent adult abuser under certain conditions.  
215 16 Code section 235E.4: Clarifies, by adding the word  
215 17 "where", that Code sections 235B.4 through 235B.20, to the  
215 18 extent that they are not inconsistent with Code chapter 235E,  
215 19 apply to Code chapter 235E.  
215 20 Code section 249A.6(1)(a): Corrects a drafting error in  
215 21 the language in this subparagraph by changing the reference to  
215 22 "paragraph "a"" to a reference to subparagraph (1), which  
215 23 refers to the rights to payments of medical care referred to  
215 24 in this subparagraph.  
215 25 Code section 252B.5(8): Letters unnumbered paragraphs and  
215 26 deletes an obsolete phrase relating to adoption of rules by  
215 27 the department of human services regarding review of requests  
215 28 for modification of support obligations.  
215 29 Code section 256D.2A: Adds the term "budget" to clarify  
215 30 that the year period of time during which a school is to  
215 31 expend funds to reduce class size is the budget year, which  
215 32 for school districts commences on July 1 of each calendar  
215 33 year.  
215 34 Code section 256D.4A: Strikes the word "section" and  
215 35 replaces it with the word "chapter" because the payments and  
216 1 expenditures referred to in this Code section are authorized  
216 2 in other Code sections within this Code chapter.  
216 3 Code section 257.11(3): Changes the word "of" to the word  
216 4 "times" and the word "and" to the word "or" to clarify the  
216 5 relationship between the numeric and percentage components in  
216 6 the formula used to calculate the amount of additional  
216 7 weighting to be assigned for pupils who attend community  
216 8 college-offered classes. The numeric and percentage  
216 9 components of the formula in this paragraph are described in  
216 10 this paragraph in reverse order from that used in other places  
216 11 in this Code section.  
216 12 Code section 260C.14: Substitutes the word "program" for  
216 13 "Act" in three places to reflect the repeal of the former  
216 14 postsecondary enrollment options Act, previously contained in  
216 15 Code chapter 261C, and the enactment of the postsecondary  
216 16 enrollment options program in new Code chapter 261E in 2008  
216 17 Iowa Acts, chapter 1181.  
216 18 Code section 262.9(4): Splits apart, in language  
216 19 describing duties of the state board of regents, two  
216 20 provisions which articulate the two different duties of  
216 21 managing both real and personal property of the regents  
216 22 institutions and purchasing soybean-based inks. Incorrect  
216 23 internal references to the entire Code section are also  
216 24 changed to refer only to the requirement to purchase  
216 25 soybean-based inks in what becomes new subsection 4A.  
216 26 Code section 279.13(1): Changes the word "applicants" to  
216 27 the singular form "the applicant" to conform with prior  
216 28 language regarding the search for criminal and child abuse  
216 29 background information regarding an individual who is seeking  
216 30 employment as a teacher in a school district.  
216 31 Code section 282.18: Streamlines language relating to open  
216 32 enrollment of children in schools by combining the two  
216 33 subsections that deal with school desegregation and conforming  
216 34 the language currently contained in subsection 12 to reflect  
216 35 the changes made to subsection 3 in 2008 Iowa Acts, chapter  
217 1 1071; by moving language relating to adoption of school  
217 2 policies regarding "insufficient classroom space" to become  
217 3 part of subsection 2, where the issue first arises; by  
217 4 renumbering the provision to accommodate the changes and  
217 5 eliminate unnumbered paragraphs; and by correcting internal  
217 6 references.  
217 7 Code section 282.26: Numbers the paragraphs in this  
217 8 provision regarding high school students attending college  
217 9 courses to allow substitution of specific subsection  
217 10 references in lieu of a more general reference to "the  
217 11 foregoing provisions".  
217 12 Code section 294A.9: Adds the repeal, on the same date, of  
217 13 a subsection which serves only to repeal other subsections on  
217 14 June 30, 2009. This provision takes effect upon enactment.  
217 15 Code section 294A.25: Adds the word "fiscal" before the  
217 16 word "year" to conform later language regarding later  
217 17 appropriations to the initial reference to the "fiscal year  
217 18 beginning July 1, 2009".  
217 19 Code section 297.10: Updates language in this provision  
217 20 regarding compensation for use of school property to clarify

217 21 that the "such use" is the use of a schoolhouse and  
217 22 schoolhouse grounds and that the compensation paid is to be  
217 23 used for supplies for that school property.  
217 24 Code section 298.3: Renumbers this provision to eliminate  
217 25 unnumbered paragraphs and changes the term "energy  
217 26 conservation measures" to "energy management improvement" to  
217 27 reflect the changes made to Code sections 473.19, 473.20, and  
217 28 473.20A by 2008 Iowa Acts, chapter 1126.  
217 29 Code section 298.18: Numbers and letters unnumbered  
217 30 paragraphs in this Code section and replaces references to  
217 31 "hereinafter" provided and referred to "herein" with language  
217 32 indicating that the reader will find the language or exception  
217 33 indicated within this Code section.  
217 34 Code sections 306C.10 and 306C.11: Moves a definition of  
217 35 the term "specific information of interest to the traveling  
218 1 public" from Code section 306C.11 to Code section 306C.10 to  
218 2 place it in alphabetical order within the other definitions  
218 3 that apply within that division of Code chapter 306C and  
218 4 renumbers Code section 306C.11 to eliminate unnumbered  
218 5 paragraphs.  
218 6 Code section 307.21: Restructures the provision to  
218 7 separate language establishing the general duties of the  
218 8 administrator of administrative services of the department of  
218 9 transportation from more specific requirements relating to the  
218 10 manner in which certain of those duties are to be carried out  
218 11 and from permissive language that allows the administrator to  
218 12 perform administrative services duties in cooperation with the  
218 13 department of administrative services.  
218 14 Code section 312.2: Renumbers this provision to separate  
218 15 the allotments of road use tax funds made by the treasurer of  
218 16 state to the primary road fund, the secondary road fund, the  
218 17 farm-to-market road fund, and the street construction fund of  
218 18 cities from the credits that are made prior to the allotments  
218 19 for various specific uses and to eliminate an unnumbered  
218 20 paragraph.  
218 21 Code section 314.2: Strikes the words "the foregoing  
218 22 provisions" and substitutes "this section" to clarify that the  
218 23 prohibition against state or county officials or employees  
218 24 having interests in any contract for highway, bridge, or  
218 25 culvert construction, reconstructions, improvement, or  
218 26 maintenance is the provision that, if violated, will  
218 27 invalidate the contract and prevent recovery of consideration  
218 28 under the contract.  
218 29 Code section 321.52A: Strikes an obsolete reference to a  
218 30 provision under which this surcharge is no longer imposed.  
218 31 Before a change in the system used by the department of  
218 32 transportation to note security interests on certificates of  
218 33 title, a surcharge was issued when an owner requested that a  
218 34 new certificate be issued that showed the notation. This was  
218 35 because the notation had to be manually added to the  
219 1 certificate, rather than being generated automatically upon  
219 2 notation of the interest in the department of transportation's  
219 3 system. Because of the changeover in the department's  
219 4 computer system, the new certificates are generated  
219 5 automatically, without the additional manual intervention, and  
219 6 the department ceased imposition of the surcharge for issuance  
219 7 of a certificate of title for this type of notation.  
219 8 Code sections 321.92 and 321.463: Renumbers and eliminates  
219 9 a redundant reference to a "paragraph "b"" in a definition  
219 10 which is combined with another definition into a numbered list  
219 11 in Code section 321.463. Language relating to fraudulent  
219 12 altering or defacing of product identification plates is  
219 13 stricken from Code section 321.463 and is moved to Code  
219 14 section 321.92.  
219 15 Code section 321.231(5): Strikes the word "foregoing" and  
219 16 inserts "of this section" to clarify that none of the  
219 17 provisions of this Code section relieve an authorized  
219 18 emergency vehicle operator or police bicycle rider from the  
219 19 duty to drive or ride safely.  
219 20 Code section 321.285: Renumbers this provision  
219 21 establishing speed restrictions on motor vehicles to eliminate  
219 22 unnumbered paragraphs; clarifies language that sets out the  
219 23 general rules applicable to lawful speeds by moving language  
219 24 referring to the lawful speed to a location after the listing  
219 25 of a number of exceptions; substitutes "unless otherwise  
219 26 provided in this section or by" for "notwithstanding any" to  
219 27 clarify that some of the exceptions to the general 55 miles  
219 28 per hour speed limit are contained within this Code section;  
219 29 and supplies some missing words to complete the sentence  
219 30 establishing what the appropriate speed is on various  
219 31 secondary roads under certain conditions.

219 32 Code section 321.488: Strikes the word "foregoing" to  
219 33 clarify that any provision within the Code chapter that  
219 34 applies to the making of arrests without a warrant.

219 35 Code sections 321.506 and 461B.8: Strikes the word  
220 1 "foregoing" and adds "of this chapter" to clarify that the  
220 2 other qualifying language in this provision, that narrows the  
220 3 applicability of this provision to language relative to  
220 4 service of original notice of suit on nonresidents, is the  
220 5 controlling factor in determining the validity of service of  
220 6 process under Code chapters 321 and 461B.

220 7 Code section 321.376: Adds a reference to "osteopathic  
220 8 physician" after the word "physician" and strikes a reference  
220 9 to Code chapter 150A to conform with changes made by 2008 Iowa  
220 10 Acts, chapter 1088, in language relating to the conducting of  
220 11 hearing tests.

220 12 Code section 321A.7: Updates language in this provision  
220 13 regarding suspension of licenses until proof of financial  
220 14 responsibility has been filed by inserting words to clarify  
220 15 the meaning of certain clauses, dividing sentences currently  
220 16 conjoined with semicolons, and adding language that indicates  
220 17 that certain conditions precede the department taking certain  
220 18 actions under this Code section.

220 19 Code section 330A.10: Numbers a provision to eliminate  
220 20 unnumbered paragraphs and replaces the words "aforementioned  
220 21 provisions" with "subsection 1" to clarify that subsection 1  
220 22 is the provision being excepted in language authorizing an  
220 23 authority to deposit funds in any bank or trust company if an  
220 24 agreement is reached with the bond holders.

220 25 Code section 331.653(27): Replaces a reference to Code  
220 26 section 297.28 that was inadvertently stricken in 2008 Iowa  
220 27 Acts, chapter 1181, section 37.

220 28 Code section 335.22: Strikes the words "the foregoing" and  
220 29 adds specific Code section references to Code sections 335.18  
220 30 through 335.21 to clarify that the proceedings under those  
220 31 Code sections, in this Code chapter pertaining to county  
220 32 zoning, are to have preference over all other civil actions  
220 33 and proceedings.

220 34 Code section 358.8: Strikes the words "the foregoing" and  
220 35 adds specific Code section references to Code sections 358.4  
221 1 and 358.5 to clarify that the expenses incurred under those  
221 2 sections, together with the costs of the election, are to be  
221 3 paid by those who will be benefited by the proposed sanitary  
221 4 district.

221 5 Code section 358C.9: Strikes the words "the preceding" and  
221 6 adds specific Code section references to Code sections 358C.5  
221 7 and 358C.6 to clarify that the expenses incurred under those  
221 8 sections, together with the costs of the election, are to be  
221 9 paid by those who will be benefited by the proposed real  
221 10 estate improvement district.

221 11 Code section 364.17(3): Renumbers and moves language  
221 12 relating to enforcement procedures to the end of this  
221 13 subsection to eliminate unnumbered paragraphs in this  
221 14 provision relating to enforcement of city housing code  
221 15 violations. The movement of the language relating to  
221 16 enforcement procedures may also correct an old drafting error.  
221 17 In both the original and reprinted versions of 1980 House File  
221 18 2536, which established this Code section, the paragraph  
221 19 containing this language was located at the end of subsection  
221 20 3. It was not until what is now paragraph "h" was added by  
221 21 amendment that the language appeared before the last  
221 22 paragraph.

221 23 Code section 384.84(2) and (3): Conforms the language  
221 24 toward the end of two paragraphs, relating to discontinuance  
221 25 of utility or enterprise services on rental property or  
221 26 premises, to language toward the beginning of the paragraphs  
221 27 which refers to the property or premises.

221 28 Code section 414.19: Strikes the words "the foregoing" and  
221 29 adds specific Code section references to Code sections 414.15  
221 30 through 414.18 to clarify that the proceedings under those  
221 31 Code sections, in this Code chapter pertaining to city zoning,  
221 32 are to have preference over all other civil actions and  
221 33 proceedings.

221 34 Code section 421B.3: Changes the word "the" to the word  
221 35 "a" to conform to later language indicating that each  
222 1 violation of the prohibition against cigarette sales at less  
222 2 than cost is treated as a new violation.

222 3 Code section 422.5: Renumbers, changes subsection lead-in  
222 4 language, and corrects internal references in this provision  
222 5 establishing the process for computation of personal income  
222 6 tax so that the structure of the provision conforms to the  
222 7 steps that must be taken to compute the tax.

222 8 Code section 422.7(12), (28), (43), and (53): Renumbers to  
222 9 eliminate unnumbered paragraphs in this provision establishing  
222 10 the computation mechanism for calculation of personal "net  
222 11 income". Obsolete language providing for a waiver of certain  
222 12 requirements under a small business tax loan program that was  
222 13 phased out in the mid 1980s is deleted. A reference to a  
222 14 savings refund adjustment that was eliminated by 2008 Iowa  
222 15 Acts, chapter 1178, in favor of a state match adjustment, is  
222 16 also deleted. References to the term "adjusted gross income"  
222 17 are added in language relating to when a taxpayer may take the  
222 18 increasing expensing allowance to clarify what computation is  
222 19 being performed for state tax purposes.

222 20 Code section 422.12: Restructures this provision  
222 21 enumerating the deductions that may be taken from personal  
222 22 income tax liability by moving definitions to the beginning of  
222 23 the provision and renumbering and correcting internal  
222 24 references as necessary.

222 25 Code section 422.35(6), (6A), (20), and (24): Renumbers to  
222 26 eliminate unnumbered paragraphs in this provision establishing  
222 27 the computation mechanism for calculation of corporate "net  
222 28 income". Obsolete language providing for a waiver of certain  
222 29 requirements under a small business tax loan program that was  
222 30 phased out in the mid 1980s is deleted. References to the  
222 31 term "taxable income" are added in language relating to when a  
222 32 taxpayer may take the increasing expensing allowance to  
222 33 clarify what computation is being performed for state tax  
222 34 purposes.

222 35 Code section 423.3(57): Combines two unnumbered paragraphs  
223 1 containing the initial portion of a definition of what  
223 2 constitutes a sale of food and food ingredients that are  
223 3 exempt from sales tax and conforms the terms used to the  
223 4 definitions which follow the language of the new combined  
223 5 paragraph.

223 6 Code sections 435.1, 435.2, 435.26, 435.34, and 435.35:  
223 7 Moves language contained in definition provisions relating to  
223 8 the imposition of property taxes on mobile, modular, and  
223 9 manufactured homes to duplicate one provision that applies to  
223 10 both manufactured home communities and mobile home parks and  
223 11 to create a new Code section 435.2 that specifies when each of  
223 12 the types of home is to be assessed and taxed as real estate.  
223 13 Language relating to taxation of modular homes is moved from  
223 14 its current location in Code section 435.34 and consolidated  
223 15 with related provisions in new Code section 435.2, and the  
223 16 balance of Code section 435.34, which conflicts with language  
223 17 found in Code section 435.22, is eliminated by the Code  
223 18 section's repeal. Language in Code section 435.35, which  
223 19 conflicts with provisions in Code section 435.1, is eliminated  
223 20 by that Code section's repeal, and the remainder moved to Code  
223 21 section 435.26. Obsolete language relating to classification  
223 22 of manufactured home communities or mobile home parks and the  
223 23 applicability of the manufactured home communities or mobile  
223 24 home parks residential landlord and tenant Act is stricken.

223 25 Code sections 437A.3, 437A.15, and 437A.19: Renumbers Code  
223 26 section 437A.19 to eliminate unnumbered paragraphs and  
223 27 corrects several internal references to subsections within  
223 28 Code section 437A.19 that appear in Code sections 437A.3 and  
223 29 437A.15. The reference changes contained in subsection 29 of  
223 30 Code section 437A.3 and 437A.15, subsection 3, are based on  
223 31 the renumbering changes in Code section 437A.19. The internal  
223 32 reference change and strike of additional in Code section  
223 33 437A.15, subsection 3, paragraph "a", correct a drafting error  
223 34 made in 2007 Iowa Acts, chapter 150, when Code section  
223 35 437A.19, subsection 2, paragraph "b", was amended and  
224 1 subparagraph (2) was deleted.

224 2 Code section 450.7(1): Redrafts an initial exception as a  
224 3 limitation and renumbers this provision to eliminate  
224 4 unnumbered paragraphs.

224 5 Code section 455A.8: Breaks the membership of the Brushy  
224 6 creek recreation trails advisory board out into a numbered  
224 7 list and clarifies which of the 10 members of the board are  
224 8 voting and which are ex officio nonvoting members.

224 9 Code section 455B.191: Reorganizes and clarifies this  
224 10 pollution and hazardous substance control provision by moving  
224 11 the definition of "hazardous substance" to the beginning of  
224 12 the Code section, renumbering the provision, breaking the  
224 13 enumeration of prohibited acts into a numbered list, and  
224 14 segregating the applicable penalties into separate provisions.

224 15 Code section 455G.4(6): Changes the name of the senate  
224 16 committee to which the report relating to claims against the  
224 17 Iowa comprehensive underground storage tank fund must be  
224 18 submitted, to conform this provision to the changes made

224 19 during the 2009 Session of the 83rd General Assembly to the  
224 20 name and duties of the former senate committee on natural  
224 21 resources and environment.

224 22 Code section 456A.26: Strikes the words "The foregoing  
224 23 sections" and inserts references to Code sections 456A.23  
224 24 through 456A.25 to clarify which provisions are not to be  
224 25 construed as authorizing the commission to change any penalty  
224 26 for violations of game laws, license fees, or change open  
224 27 seasons or bag limits for any fish, game, bird, or fur-bearing  
224 28 animal.

224 29 Code section 476.6(20): Strikes an obsolete subsection  
224 30 that refers to the replacement tax study committee. The  
224 31 committee began meeting in 2000, concluded its business in  
224 32 2007, and submitted its final report on November 15, 2007.

224 33 Code section 483A.27: Adds words to clarify that a hunter  
224 34 safety and ethics education course from another state,  
224 35 country, or province that meets the international hunter  
225 1 education standards is valid for purposes of meeting the  
225 2 requirements for a hunting license in Iowa and that a  
225 3 "department=approved" hunter safety and ethics education  
225 4 course or shooting sports activities course is what an  
225 5 instructor certified by the department may conduct on public  
225 6 school property if the proper school board approval is  
225 7 obtained.

225 8 Code section 489.108(3): Strikes language and adds the  
225 9 word "either" to conform this provision, that specifies two  
225 10 situations in which the secretary of state shall authorize the  
225 11 use of a noncompliant name by a limited liability company, to  
225 12 standard language used to indicate when only two alternatives  
225 13 are available under a statute.

225 14 Code section 489.702(5): Corrects in subsection 5,  
225 15 paragraph "b", of this Code section an internal reference to  
225 16 the provision in which a person is appointed to wind up the  
225 17 activities of a limited liability company. The appointment  
225 18 provisions are found in subsection 4, not subsection 3.

225 19 Code section 489.1203(10) and (11): Corrects incorrect  
225 20 citations to the language that specifies when distributions by  
225 21 a limited liability company series are not permissible. The  
225 22 listing of situations that was intended to be cited is  
225 23 contained in subsection 5 of this Code section, not in Code  
225 24 section 489.405.

225 25 Code section 490.831(1): Changes the word "precludes" to  
225 26 "does not preclude" in this provision relating to the  
225 27 liability of directors of corporations to the corporation or  
225 28 to the corporation's shareholders to conform the codified  
225 29 version of this provision to the meaning of this provision in  
225 30 the language of the original model Act.

225 31 Code section 496C.14: Renumbers this provision to  
225 32 eliminate unnumbered paragraphs, strikes the words "the  
225 33 foregoing provisions of this section", and adds the words  
225 34 "subsections 1 through 4" to clarify when purchase of shares  
225 35 of a corporate shareholder is required.

226 1 Code section 499.36A(1): Substitutes the word  
226 2 "association" for the word "cooperative" to conform this last  
226 3 sentence, relating to when an association director is not  
226 4 liable because of having performed director's duties, to the  
226 5 initial sentence that requires discharge of duties in good  
226 6 faith.

226 7 Code section 502.602(3): Adds the word "or" to this  
226 8 provision to clarify where the correct end of the series  
226 9 describing when the commissioner of insurance may apply to the  
226 10 district court under the uniform securities Act to enforce  
226 11 compliance with a subpoena.

226 12 Code section 505.8(7): Adds "and osteopathic physicians"  
226 13 after the word "physicians" and strikes the references to Code  
226 14 chapters "150, and 150A" to conform with changes made by 2008  
226 15 Iowa Acts, chapter 1088, to place osteopathic physicians under  
226 16 the same Code chapter 148 licensing procedures and authority  
226 17 of the board of medicine as physicians who have a diploma from  
226 18 a medical college and have passed the required examinations  
226 19 and to repeal the Code chapters under which osteopathic  
226 20 physicians were previously regulated.

226 21 Code section 520.14: Strikes the word "foregoing" and adds  
226 22 references to Code sections 520.2 through 520.13 to clarify  
226 23 which Code sections an attorney must comply with before an  
226 24 attorney can exchange reciprocal or interinsurance contracts  
226 25 or solicit or negotiate applications for reciprocal or  
226 26 interinsurance contracts.

226 27 Code section 541A.3: Adds the word "savings" between the  
226 28 words "state" and "match" to conform the terminology used to  
226 29 describe the payments made by the state to holders of

226 30 individual development accounts to the correct term: "state  
226 31 savings match".  
226 32 Code section 554.10103: Strikes a reference to "the  
226 33 following" section, which was repealed by 2007 Iowa Acts,  
226 34 chapter 30, and replaces it with a reference to Code section  
226 35 554.7103, which is the successor statute to former Code  
227 1 section 554.10104.  
227 2 Code section 556F.17: Replaces the word "aforesaid" with  
227 3 "provided in this chapter" and "same according to the  
227 4 foregoing provisions" with "property" to clarify that any  
227 5 property that is found or recovered and may be considered  
227 6 abandoned under Code chapter 556F cannot be traded, sold,  
227 7 loaned, or taken out of the state by the finder until the  
227 8 person has the right to do so or the person forfeits the right  
227 9 to the property.  
227 10 Code section 602.10111: Strikes the words "the foregoing  
227 11 provisions of" and leaves the words "this article" to clarify  
227 12 what procedures an out-of-state attorney must comply with in  
227 13 order to appear as an attorney in state court in Iowa.  
227 14 Code section 692.18: Numbers this provision and conforms  
227 15 the language in what is numbered as subsection 2 to  
227 16 confidentiality provisions found in Code section 22.7 that  
227 17 relate to confidentiality of intelligence data under the  
227 18 public records law, Code chapter 22.  
227 19 Code section 707.7: Numbers this provision, moves  
227 20 exclusionary language to the end of this provision prohibiting  
227 21 feticide, and conforms the language of these provisions to  
227 22 changes made by 2008 Iowa Acts, chapter 1088, which placed  
227 23 osteopathic physicians under the same Code chapter 148  
227 24 licensing procedures and authority of the board of medicine as  
227 25 physicians who have a diploma from a medical college and have  
227 26 passed the required examinations and repealed the Code  
227 27 chapters under which osteopathic physicians were previously  
227 28 regulated.  
227 29 Code section 714.8(18): Changes the word "price" to  
227 30 "product" in two places in definition of the term "universal  
227 31 price code label" to correct the term and to conform to  
227 32 terminology used elsewhere in the Code.  
227 33 Code section 714E.1(3): Changes the word "from" to "for"  
227 34 to clarify that the foreclosure consultant is attempting to  
227 35 obtain a forbearance, modification, or repayment plan on  
228 1 behalf of a beneficiary or mortgagee.  
228 2 Code section 714E.4(1): Clarifies that the enumerated  
228 3 actions, if taken by a foreclosure consultant, are a violation  
228 4 of Code chapter 714E.  
228 5 Code section 714F.3(2): Clarifies language relating to  
228 6 survival of a foreclosure reconveyance contract and conforms a  
228 7 Code reference to the language specifying the requirements for  
228 8 those contracts to an earlier reference in this Code section  
228 9 to those same contract requirements.  
228 10 Code section 714F.6: Splits a run-on sentence and rewrites  
228 11 the latter half of the sentence to clarify the form a waiver  
228 12 of a foreclosed homeowner's right to cancel must take.  
228 13 Code section 714F.9(2): Strikes the words "of any amount"  
228 14 to conform to later language in this provision that sets  
228 15 threshold limits on the amount of exemplary damages that may  
228 16 be awarded by the court.  
228 17 Code section 728.15: Restructures this provision to move a  
228 18 definition of the word "person" to the beginning of the Code  
228 19 section, conform internal uses of terminology and grammar,  
228 20 breaks the elements of the offense into a numeric list, and  
228 21 places the penalty provisions in a list in a subsection at the  
228 22 end of this Code section.  
228 23 Code section 805.8B: Changes, in two paragraphs in  
228 24 subsections 2 and 2A, the word "identification" to "decal" to  
228 25 conform to a terminology change that was made in Code sections  
228 26 321G.5 and 321I.6 by 2007 Iowa Acts, chapter 141.  
228 27 Code section 820.11: Strikes a reference to "the last"  
228 28 section and replaces it with a reference to Code section  
228 29 820.10 to clarify which Code section, if disobeyed, would be  
228 30 deemed a simple misdemeanor.  
228 31 2008 Iowa Acts, chapter 1130, section 4 (Code section  
228 32 35B.6(1)): Moves a phrase in this Iowa Act which prohibits  
228 33 the employment of members of a county commission of veteran  
228 34 affairs by the commission to be a part of language relating to  
228 35 the power of the commission to employ certain persons. As a  
229 1 result of amendments made in this section of this Act, the  
229 2 sentence which related to the powers of the county commissions  
229 3 was split in two and this phrase was inadvertently made a part  
229 4 of language relating to the compensation of employees of the  
229 5 commission.

229 6 2008 Iowa Acts, chapter 1130, section 7 (Code section  
229 7 35B.14): Clarifies a series which permits a county board of  
229 8 supervisors to appropriate funds for the expenses of food,  
229 9 clothing, shelter, utilities, medical benefits, and a funeral  
229 10 for veterans, their surviving spouses, and minor children who  
229 11 reside in the county. The inclusion of new language in this  
229 12 section of this Act relating to appropriation of funds for  
229 13 training for an executive director of a county commission of  
229 14 veteran affairs inadvertently disrupted the original series  
229 15 which clearly allowed the appropriation for the latter  
229 16 expenses.

229 17 2008 Iowa Acts, chapter 1191, section 109: Corrects a  
229 18 lead-in to this Act so that it correctly reflects the addition  
229 19 of a new paragraph "n" to subsection 5 of Code section 257.31,  
229 20 not Code section 257.11. Subsection 5 of Code section 257.11  
229 21 contains only two lettered paragraphs, and section 108 of this  
229 22 same Act refers to the addition of the language relating to  
229 23 the submission of requests to the school budget review  
229 24 committee by school districts on the basis of language added  
229 25 to Code section 257.31, subsection 5, paragraph "n". This  
229 26 section of this Act is effective upon enactment and applies  
229 27 retroactively to July 1, 2008.

229 28 Code sections 147.57 and 147.114: Requires the Code editor  
229 29 to transfer Code section 147.57, which pertains to dental  
229 30 hygienists, and Code section 147.114, which pertains to  
229 31 inspectors appointed by the dental board, to appropriate  
229 32 locations in Code chapter 153, which pertains to the practice  
229 33 of dentistry.

229 34 Code sections 216.18 and 216.18A: Requires the Code editor  
229 35 to transfer Code section 216.18A to become subsection 2 of  
230 1 Code section 216.18 and to number the first paragraph in Code  
230 2 section 216.18 as subsection 1. The Code editor is also  
230 3 directed to correct any internal references necessary to  
230 4 complete the transfer.

230 5 DIVISION II. Restructures, numbers, and renumbers  
230 6 provisions in volume II of the Code and in scattered locations  
230 7 in other Code volumes. Occasionally, minor changes are made  
230 8 in text to conform to existing style of a Code section when  
230 9 language is moved within a Code section or from one Code  
230 10 section to another location.

230 11 DIVISION III. Makes internal reference changes based on  
230 12 the numbering, renumbering, and restructuring of Code sections  
230 13 elsewhere in this Act.

230 14 DIVISION IV. Contains effective date and applicability  
230 15 provisions.

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